

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.36418 of 2018

ORDER:

Heard the learned counsel for the petitioners Smt K.Lalitha and Sri Nimmagadda Venkateshwar Rao for respondent No.5.

2. A notice bearing Roc.No.913/2013-G1, dated 19.09.2018, issued by the Commissioner, Pitapuram Municipality, East Godavari District/fifth respondent herein is under challenge in the present writ petition.

3. On the ground that the structures in occupation of the petitioners herein are in dilapidated condition, the fifth respondent herein issued the said notice under Section 231 of the A.P. Municipalities Act, 1965. It is also required to be noted that after the said notice dated 19.09.2018, the Regional Joint Commissioner, Endowments Department, Multi Zone – II, Rajamahendravaram addressed a letter bearing Computer No.168226 Adm, dated 02.10.2018, to the Commissioner of Endowments, Andhra Pradesh. The said letter states that earlier a request was made to sanction a sum of Rs.10 crores for development of the quarters and Phuskarini and for constructing floor around the Pushkarani. It is also stated that thereafter a master-plan was also prepared as a first measure for construction of quarters for priests by expending a sum of Rs.1,70,00,000/- to be provided by Tirumala Tirupathi Devasthanams. It is also evident from the said letter that the State Government issued an order on 02.08.2018. While referring to the above information, the Regional Joint Commissioner in the said letter dated 02.10.2018, requested for suitable orders to the priests to vacate the quarters for undertaking the said developmental activity.

4. According to the learned counsel for the petitioners, there is absolutely no justification on the part of the respondents in seeking to evict the petitioners from the quarters without providing any alternative accommodation to them. It is also evident from the letter of the Regional Joint Commissioner dated 02.10.2018 that the authorities have proposed construction of quarters in the vacant land adjacent to the temple for the purpose of accommodating the priests. The only relief which the petitioners herein are asking in the present writ petition is for an alternative accommodation to them, pending completion of the said quarters.

5. It is not in dispute that the petitioners herein are the Archakas in the subject temple and they have to perform Poojas every day and their presence in the temple is indispensable.

6. Having regard to the nature of controversy, this Court deems it appropriate to grant three months time to the petitioners herein to vacate the subject quarters and to handover to the respondents for undertaking construction. It is also made clear that in the meanwhile if the temple authorities provide any accommodation to the petitioners, the petitioners herein shall vacate the quarters immediately. It is also made clear that if any untoward incident takes place in the meanwhile, the respondents herein shall not be held responsible.

7. With the above observations, the writ petition stands disposed of. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:05.10.2018
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