

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6995 of 2016

AND

WRIT PETITION No.29916 of 2018

COMMON ORDER:

The petitioner-D.Venkatanarasimha Rao, claims to have been in occupation of Shop No.89 in the premises of the 1st respondent-Temple. His grievance is that he was directed by the temple authorities to vacate the premises, with a further direction to pay certain arrears said to have been due. It is his assertion that no arrears are due, and the Temple authorities have accommodated other similarly situated shops, and denied his request to accommodate him also like others and therefore the authorities have shown discrimination against him.

Learned counsel for the 1st respondent Temple submits that as a matter of fact the petitioner was granted lease for a period of three years, and the lease period had expired and there was no extension of lease thereafter, however, the petitioner was allowed to carry on the business. It is further submitted that policy decision was taken by the Devasthanam (Temple) administration to develop the temple precincts and the adjacent areas in a comprehensive manner and, in furtherance of the policy decision, and the petitioner was requested to vacate the premises and was also demanded to pay the arrears due. However, the petitioner did not choose to oblige the demand, and approached this Court by way of filing writ petitions; and this Court passed interim orders in the matter. It is further submitted that basing on the Yadagirigutta Temple development plans to develop the temple area, decision was taken to evict all the business shops around the temple, including the Bank, to expedite the process of development in a comprehensive manner. In those

circumstances, the question of discrimination or bias by permitting some shops to run in the precincts and directing others to vacate, does not arise. It is further asserted that there is no discrimination against the petitioner.

Having regard to the respective submissions, this Court can take a judicial note of the fact that after formation of new Government, a comprehensive development of the Yadagirigutta area is being done; particularly, the Temple area, for construction of a new temple complex akin to the complex at Tirupati. When a comprehensive development is being made, it is but natural that there would be some element of displacement. In the case on hand, the petitioner does not have any subsisting lease in his favour except the allegation of discrimination. Whatever may be the position earlier, as on today, as every one who is having business or running a shop in the temple precincts is being asked to vacate, including the Bank, the petitioner cannot allege discrimination or grievance. In fact, the petitioner shall voluntarily cooperate in the effort being made for comprehensive development by the temple administration.

In the circumstances, there is no merit in the writ petitions and are accordingly dismissed. As the petitioner denies any arrears that are allegedly due and payable by him, and the Executive Officer of the 1st respondent-Temple has not placed before this Court any account/statement showing the arrears due by the petitioner, however, if any arrears are due and payable by the petitioner, the temple authorities are entitled to collect the same from the petitioner by following due process of law. No costs. Miscellaneous petitions, if any pending, shall also stand dismissed.

JUSTICE CHALLA KODANDA RAM

07th February, 2019
KSM

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