

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

W.P. No.27209 of 2019

ORDER:

This writ petition is filed seeking to declare the action of the official respondents 3 and 4 in issuing notices Lr.No.71/HD/EE/South/Lalpet/2019, dated 19.10.2019 and Lr.No.520/TPS/C29/GHMC/2019, dated 25.10.2019 after nearly 30 years from the date of construction of temples and shed directing the management of the temples to remove the temporary shed used for “Annadanam Programme” is without jurisdiction, bad and illegal and consequently to set aside the said notices of the official respondents 3 and 4.

The case of the petitioner, *inter alia*, is that earlier one K.Suribabu filed W.P. No.13446 of 2006 questioning the order passed by the Competent Authority (Tribunal), (South and Central) Divisions, under the A.P. Housing Board Act, Gruhakalpa, Hyderabad in Case No.454/CAI/1996 dated 29.04.2006. The said writ petition was disposed off by this Court on 14.09.2012 with a direction to the petitioner therein to submit a representation to the A.P. Housing Board, 3rd respondent therein, within a period of four weeks from the date of the order for alienation of the land, and on filing of such representation, the Housing Board was directed to take an appropriate decision in the matter within three months thereafter, keeping in view the ground realities. It is submitted by the petitioner herein that the direction of this Court was

not implemented by the Housing Board authorities in spite of the Temple Management submitting a representation as per the direction of this Court.

While the things stood thus, Temple Management received two notices dated 19.10.2019 and 25.10.2019 from the respondents 4 and 3, Executive Engineer, Sough Division, Telangana Housing Board and GHMC, respectively, for removal of old temporary shed used in “Annadanam Programmes”. It is also submitted that in the notice dated 25.10.2019, addressed to the Temple Secretary/President, Near Sai Baba Temple, to submit sanctioned plan/relevant documents for verification within three days, failing which to take further action. In response to the notice dated 25.10.2010, the petitioner stated to have submitted its reply on 02.11.2019 stating that with the funds of devotees, shed was constructed long ago for “Annadanam” purpose and the matter is pending before Housing Board for allotment of said land and a representation was also made to them as per the direction of this Court made in W.P. No.13446 of 2006. It is also submitted by the petitioner that since the fourth respondent herein did not pass any orders on the representation of the petitioner, the petitioner once again made a representation dated 27.11.2019 reminding the fourth respondent to consider their request and pass orders for allotment of the said land as per the directions of this Court vide its order dated 14.09.2012 passed in W.P.No.13446 of

2006. Assailing the impugned notices dated 19.10.2019 and 25.10.2019, petitioner filed the present writ petition.

Heard Sri Mannikanti Laxmi Prasad, learned counsel for the petitioner, learned Government Pleader appearing for the first respondent, Sri Chatla Madhu, learned Standing Counsel appearing for the second and third respondents, GHMC, and the learned Standing Counsel appearing for the fourth respondent and perused the material placed on record.

The main grievance of the petitioner is that in pursuance of the direction given by this Court in W.P. No.13446 of 2006 on 14.09.2012, they made a representation to the Housing Board authorities and without considering the same and non passing of any orders thereon, the third and fourth respondents have issued impugned notices dated 19.10.2019 and 25.10.2019 and for which, they stated to have submitted their representation on 02.11.2019 and 27.11.2019 and the same are pending before the concerned authorities. Apprehending the threat of demolition under the grab of the said notices, the petitioner filed the present writ petition.

In that view of the matter, this Court is of the view that ends of justice would be met directing the third respondent, Assistant City Planner, Circle No.29, Secunderabad, to consider the representation dated 02.11.2019 and pass appropriate orders, in accordance with law, after affording an opportunity to the petitioner and also to the fourth

respondent, Executive Engineer, South Division, Telangana Housing Board. Both the parties are at liberty to put forth their relevant evidence, oral and documentary, before the authorities in support of their contentions.

Accordingly, this writ petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

Date: 10.12.2019
LSK

JUSTICE T.AMARNATH GOUD

