

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.41726 of 2018

ORDER::

The petitioners' case is that there is an ancient Muktheshwara Swamy temple in an extent of Ac.0-33 guntas in Sy.No.463, which is under the control of 5th respondent-Asst. Commissioner, Endowments Department, and the petitioners and others are devotees of the said temple and performing poojas etc. therein.

The grievance of the petitioners is that the 6th respondent has encroached on the land of the said temple and started illegal construction for laying an RCC building, and the same was brought to the notice, vide complaint dated 29-10-2018, to the respondents 2 to 5, but as no action is taken, hence the writ petition.

This Court by order dated 10-12-2018 on the representation made by the learned standing counsel for the respondent-Gram Panchayat that no building permission was granted to the said proposed construction being undertaken by the 6th respondent, granted interim direction not to

undertake any further constructions on the subject land, unless permission is obtained from the Gram Panchayat.

Now, 6th respondent has filed a counter affidavit by way of vacate petition seeking to vacate the interim order wherein it is stated that the temple land is in Sy.No.463 whereas the land of the 6th respondent is in Sy.No.462 and construction is sought to be made by demolishing an old dilapidated tiled house and the proposed construction is in no way concerned with the land of the temple, as alleged by the petitioners. It is also stated that the 6th respondent has applied for building permission, but as no orders are passed either granting permission or rejecting, under deemed permission, he proceeded to make constructions. It is also stated that his application seeking for grant of building permission is kept pending for the reasons best known to the authorities.

Counter affidavit is also filed by 4th respondent-Gram Panchayat wherein it is stated that the 4th respondent on noticing that the respondent no.6 is making unauthorized constructions without obtaining permission, inspected the premises of the 6th respondent and instructed the 6th

respondent not to proceed with further constructions without obtaining building permission. It is also sated that the complaint dated 29-10-2018 said to be made by the petitioners is not received in the office of the 4th respondent.

Heard the learned counsel for the petitioners, the learned standing counsel for the Gram Panchayat and the learned counsel for respondents 6 and 7.

Having heard learned counsel for the parties, it is to be seen that the petitioners are contending that the temple is situated in Sy.No.463 in Chakunta village, whereas the claim of the 6th respondent is that his tiled house is situated in Sy.No.462 and he has nothing to do with the land of the temple in Sy.No.463. But the petitioners state that the 6th respondent has encroached upon the land of the temple and in that behalf they made a complaint dated 29-10-2018 to respondents 2 to 5 and no orders are passed on the same. It is also the case of the 6th respondent that his application for grant of building permission could not be considered in view of the false allegation made by the petitioners.

In the circumstances, to meet the ends of justice, the petitioners to submit a copy of the complaint dated 29-10-2018 to the 4th respondent, and it is also open for the 6th respondent to file his objections to the said complaint. Upon considering the complaint filed by the petitioners and the objections filed by the 6th respondent if any, the 4th respondent to pass appropriate orders on the complaint of the petitioners, and based on the decision taken, pass orders on the application filed by the 6th respondent for grant of building permission, in accordance with law. This entire exercise be undertaken within a period of four weeks from the date of receipt of a copy of this order. Till such time, the 6th respondent shall not proceed with further construction on the subject land.

With the above direction, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending are also disposed of. There shall no order as to costs.

A.RAJASHEKER REDDY, J

Dated: 16-07-2019
NRG

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