

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 10327 OF 2015

Between:

Sri Shirdi Sai Baba Mandi, Anand Bagh, Malkajgiri, Hyderabad, Rep.by its founder
M.V. Subhash S/o M.K.V.Sharma Aged 30 years, R/o D.No.24-141/8 Anandbagh,
Malkajgiri, Hyderabad.

...PETITIONER

AND

1. The South Central Railway, Secunderabad, Rep.by its General Manager,
Secunderabad.
2. The Chief Administration Manager, South Central Railway, Secunderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents herein in proposing to take forcible advance possession by pressurizing to sign the consent letters for the proposed demolition of the petitioner temple without initiating any acquisition proceedings and without notice by following due process of law is illegal arbitrary and unconstitutional and violation of Articles. 21 and 300A of the Constitution of India and consequently direct the respondents not to demolish the petitioners temple situated at East Anand Bagh, Malkajgiri, Secunderabad R.R. District pending consideration of the representation of the petitioner dated 4-12-2014.

I.A. NO: 1 OF 2015(WPMP. NO: 13624 OF 2015)

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to demolish the petitioner's temple situated at East Anand Bagh, Malkajgiri, Secunderabad R.R. District pending consideration of the representation of the petitioner dated 4-12-2014 pending disposal of the main Writ petition.

Counsel for the Petitioner: SRI JONNALAGADDA L.NARASIMHA MURTHY

Counsel for the Respondents: M/s. ANJALI AGARWAL, STANDING COUNSEL

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C. V. BHASKAR REDDY

WRIT PETITION No.10327 of 2015

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking the following relief:

"...to issue a Writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents herein in proposing to take forcible advance possession by pressurizing to sign the consent letters for the proposed demolition of the petitioner temple without initiating any acquisition proceedings and without notice by following due process of law is illegal arbitrary and unconstitutional and violation of Articles 21 and 300-A of the Constitution of India and consequently direct the respondents not to demolish the petitioners temple situated at East Anand Bagh Malkajgiri Secunderabad R.R. District pending consideration of the representation of the petitioner dated 4-12-2014 and pass..."

2. Heard Sri Jonnalagadda L. Narasimha Murthy, learned counsel appearing for the petitioner and Ms. Anjali Agarwal, learned counsel appearing for the respondents. Perused the record.
3. The petitioner herein is a Temple represented by its founder Sri M. V. Subash. The case of the petitioner is that he and his family members had constructed a Temple namely Sri Shiridi Sai Baba Mandir at East Anand Bagh, Malkajgiri, Secunderabad, Ranga Reddy District and they are performing poojas since long time. It is the further case of the petitioner that the respondents without issuing any notice are making efforts to demolish the existing Temple to

acquire the said land, for the purpose of widening of road. It is also the case of the petitioner that he had submitted a detailed representation on 04.12.2014 to the respondents requesting them to initiate necessary proceedings under the provisions of The Land Acquisition Act, 1894 to enable the petitioner to submit all relevant documents and to claim compensation for the Temple land, in case it is required for the purpose of widening of road. The grievance of the petitioner is that even after receipt of the said representation, the respondents instead of considering the same, are taking steps to demolish the Temple. Hence, the present writ petition.

4. This writ petition is pending on the file of this Court from the year 2015. Till date, no counter-affidavit has been filed by the respondents.

5. Learned counsel appearing for the petitioner vehemently contended that the petitioner and his family members had constructed Sri Shiridi Sai Baba Mandir in the year 1985 and they are performing poojas and other rituals in accordance with the traditions. He further submits that as the respondents without following due procedure and without issuing any notice, are taking steps to demolish the existing Temple structure, the petitioner submitted a representation, but the same has not been considered so

far and as such, a direction to the respondents to examine the representation submitted by the petitioner.

6. In view of the aforesaid submissions, this Court is of the opinion that the ends of justice would be met if respondents are directed to examine the representation submitted by the petitioner and if the petitioner establishes his right over the property, the respondents are directed to follow the due procedure after initiating Land Acquisition proceedings, if the land of the petitioner is required for the purpose of widening of road.

7. With the above observations/directions this writ petition is disposed of. There shall be no order as to costs.

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

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SD/- T. JAYASREE
ASSISTANT REGISTRAR
SECTION OFFICER

To,

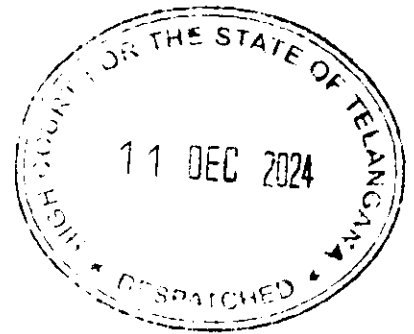
1. The General Manager, South Central Railway, Secunderabad.
2. The Chief Administration Manager, South Central Railway, Secunderabad.
3. One CC to SRI JONNALAGADDA L.NARASIMHA MURTHY, Advocate [OPUC]
4. One CC to M/s. ANJALI AGARWAL, Standing Counsel [OPUC]
5. Two CD Copies

PA

MP
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HIGH COURT

DATED:27/08/2024



ORDER

WP.No.10327 of 2015

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

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13/11/24
7 Copies