
(2022) 03 TEL CK 0011

In the Telangana High Court

Case No : Writ Petition No. 2923, 6946 Of 2022

K. Raghavender

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 02-03-2022

Acts Referred:

Citation : (2022) 03 TEL CK 0011

Hon'ble Judges : P. Madhavi Devi, J

Bench : Single Bench

Advocate : Jai Prakash Singh

Final Decision : Disposed Of

Judgement

1. W.P.No.6946 of 2022 has been filed by the petitioner seeking a Writ of Mandamus declaring the action of the 4th respondent in issuing the impugned proceedings dt.05.01.2022 as arbitrary, illegal and unconstitutional and in violation of principles of natural justice and to consequently set aside the same with a direction to the respondent municipality not to take any coercive steps and not to interfere with the construction of religious structure/Masjid in the subject property in accordance with the building permission vide Permit No.3065/W16/2018/0285 dt.04.12.2018 and to pass such other order or orders as this Court may deem fit and proper in the circumstances of the case.

2. W.P.No.2923 of 2022 has been filed seeking a Writ of Mandamus declaring the act of respondents 2 to 5 in not initiating action and preventing respondent No.6 from constructing the mosque in Plot No.57 in Survey Nos.2/A/AA, 3/AA, 81/A/AA, 82/A/AA, 83/A/AA, 84/A/AA and 85/A/AA of Pallaburuj, Narayanpet, Mahabubnagar, Telangana without considering the representation of the petitioner and others dt.10.01.2019, 23.06.2021 and 17.01.2022, as violative of principles of natural justice.

3. The petitioner in W.P.No.6946 of 2022 is respondent No.6 in W.P.No.2923 of 2022.

4. Brief facts leading to the filing of these two Writ Petitions are that the petitioner in W.P.No.6946 of 2022 made an application for construction of a Masjid over the land purchased by him to an extent of 220 square yards situated in Plot No.57 in Survey Nos.2/A/AA, 3/AA, 81/A/AA, 82/A/AA, 83/A/AA, 84/A/AA and 85/A/AA of Pallaburuz, Narayanpet, Mahabubnagar District and respondent No.4 has granted permission vide Permit No.3065/W16/2018/0285 which was valid for 6 years. According to the petitioner, the petitioner commenced the work of construction within a period of 18 months of the building permission, but due to Covid-19 pandemic, the construction work got delayed and after lifting of the lockdown, the petitioner started construction of the building. It is submitted that vide letter dt.31.12.2021, the petitioner has communicated the reasons for the delay in construction of the building to the 4th respondent. However, without considering his representation, respondent No.4 vide letter dt.05.01.2022 has issued the proceedings intimating that the permission granted to the petitioner is not valid as the petitioner failed to commence the work and intimate the same to the respondents.

5. It is submitted that the petitioner in W.P.No.2923 of 2022 has filed the Writ Petition before this Court to initiate action against the petitioner in W.P.No.6946 of 2022 and there was interim direction from the Court to stop further construction by the petitioner and therefore, the petitioner has filed a counter and also vacate petition in W.P.No.2923 of 2022. Therefore, according to the petitioner, the respondent authorities have not considered the submissions of the petitioner in proper perspective and have issued the impugned letter dt.05.01.2022 which is under challenge before this Court.

6. None appeared for the petitioner in W.P.No.2923 of 2022.

7. However, it is seen that the prayer of the writ petitioner in this Writ Petition is that though the petitioner therein has made several complaints against allowing permission to construct masjid in the locality, the respondents have not taken any action on their representations.

8. Learned counsel for the petitioner in W.P.No.6946 of 2022, Sri Venkat Reddy Donthi Reddy, has relied upon the complaint filed by the petitioner in W.P.No.2923 of 2022 to argue in support of his contention that the petitioner had already commenced the construction work within the stipulated period of 18 months.

9. Taking all the facts into consideration, it is seen that the petitioner in W.P.No.6946 of 2022 had commenced the construction of Masjid/religious structure before expiry of 18 months from the date of the building permission and therefore the petitioner in W.P.No.2923 of 2022 has made complaints to the official respondents. Therefore, in the interests of justice, this Court deems it fit and proper to direct respondent No.4 to consider the representations of the petitioner in W.P.No.2923 of 2022 as well as the representation of the petitioner in W.P.No.6946 of 2022 for extension of time vide letter dt.31.12.2021 and pass

a speaking order in accordance with law.

10. Both the Writ Petitions are accordingly disposed of. No order as to costs.

11. Pending miscellaneous petitions, if any, in these Writ Petition shall stand closed.