

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
TUESDAY, THE NINTH DAY OF MAY
TWO THOUSAND AND TWENTY THREE



:PRESENT:

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN
WRIT PETITION NO: 12383 OF 2023

Between:

M/s Sri Venkateswara Charitable Trust, Rep. by its Founder President Smt Mantri Manjula, Vambay Colony, Block No-7, Bhanoji Thota, Gajuwaka, Visakhapatnam District

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, Amaravati, Guntur District.
2. The District Collector, Visakhapatnam District.
3. The Joint Collector, Visakhapatnam District
4. The Revenue Divisional Officer, Visakhapatnam Sub Division.
5. The Tahsildar, Gajuwaka Mandal, Visakhapatnam District.
6. The Tahsildar, Pedagantyada Mandal, Visakhapatnam District.
7. The Commissioner of Police, Visakhapatnam.
8. Assistant Commissioner of Police, Gajuwaka, Visakhapatnam.
9. The Station House Officer, Gajuwaka Police Station, Visakhapatnam City.
10. The Station House Officer, New Port Police Station, Pedagantyada, Visakhapatnam City.
11. The Greater Visakhapatnam Municipal Corporation, Rep. by its Commissioner
12. The Zonal Commissioner, G.V.M.C, Zone-VI, Gajuwaka, Visakhapatnam.

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 any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in resorting to demolish the structures belong to Lord Venkateswara Temple, Vambay Colony, Bhanoji Thota, Pedagantayada, Visakhapatnam District as illegal, arbitrary and violation of Article 14 of the Constitution of India and to consequently direct the respondents not to interfere with the structures of the temple of Lord Venkateswara situated in Sy No. 274 Sri Venkateswara Charitable Trust, Vambay Colony, Block No-7, Bhanoji Thota, Gajuwaka, Visakhapatnam District.

IA NO: 1 OF 2023

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 interfere with structures of Lord Venkateswara situated in Sy No. 274 Sri Venkateswara Charitable Trust, Vambay Colony, Block No-7, Bhanoji Thota, Gajuwaka, Visakhapatnam District including Gosala, Vantasala and Naivedyasala by way of demolition, pending disposal of WP 12383 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri V V SATISH Advocate for the Petitioner and of GP FOR REVENUE for the Respondent Nos.1 to 6, GP FOR HOME for Respondent Nos.7 to 10, Sri K. Madhava Reddy, Standing Counsel for Respondent No.11 & 12, the Court made the following

ORDER:

1. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for the respondent Nos.1 to 6.
2. The learned Government Pleader for Home takes notice for the respondent Nos.7 to 10. The name of the learned Standing Counsel may be printed for the respondent Nos.11 and 12.
3. Learned counsel for the petitioner is permitted to implead the Tirumala Tirupathi Devasthanam as one of the party respondents to this Writ Petition.
4. The grievance of the Writ Petitioner is that the respondents are resorting to demolish the structures belonging to lord Sri Venkateshwara temple, Vambay Colony, Bhanoji Thota, Pedagantayada, Visakhapatnam District, without following the due procedure.
5. The learned counsel for the petitioner submits that the said temple is situated in Survey No.274, Vambay Colony, Block No-7, Bhanoji Thota, Gajuwaka, Visakhapatnam District. The petitioner is a Charitable trust. It was established in the year 2018 and it is meant for the development of temple activities. In the left over land of Survey No.274 on the repeated requests of the colony members, the then District Collector of Visakhapatnam District orally permitted the colony people to construct the temple in it. Around 10 years back, all the colony members together established the idol of lord Sri Venkateshwara and they have been performing pujas as per the rituals. Miraculously without any human intervention, a group of Star Tortoises there and surrounded the idol. This news was spread and huge number of devotees started visiting the temple for worshipping the diety.
6. The petitioner is also taking care of the regular puja sevas and providing Annadanam in the temple premises on every Saturday. While so, one of the devotees had a dream experience in getting the message to build a temple for the said diety in a proper manner. Then the task of construction of the temple has been taken over by the petitioner's Trust with the help of large number of devotees. Accordingly, the temple was designed by a famous Sthapati by name Dr. Chamarti Bala Bhaskaran Sthapati. The temple plans were made ready and construction is in progress. For the supply of idols as per the required measurements the Tahsildar, Gajuwaka also placed a letter to the Executive Officer,

Tirumala Tirupati Devasthanam for supply of the required number of idols with different sizes as advised by the Sthapati and the other Agama Pandits. Accordingly, they are on the way to reach the destination, for installation of the same in the temple at appropriate time on an auspicious Muhurtham that may be fixed by the Agama Pandits and other related scholars. Whileso, the respondent Officials on 04.05.2023 at midnight at 1.00 A.M, specifically the respondent Nos.5, 6, 9, 10 and 12 along with the other staff came to the temple premises and partly demolished the Vantasala and Gosala structures. At that stage, the petitioner along with the other devotees protested further demolition of the structures and thereby prevented the respondent officials from proceeding further.

7. On the other hand, the learned Assistant Government Pleader seeks time to file a detailed counter.
8. In view of the above said facts and circumstances, as the petitioner's trust seeks to proceed with the construction of the above said temple and the photographs filed disclose that there are demolitions - in part of the structures of the above said temples, the same shall not be continued, without following the due process of law, until further orders. The regular puja activities which are already in practice shall proceed as it is including nitya dhoopa, deepa naivedyam pending further orders.
9. Post the matter after summer vacation 2023.

In the mean while, the respondents shall file their counter."

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Sd/- M. SRINIVAS
ASSISTANT REGISTRAR

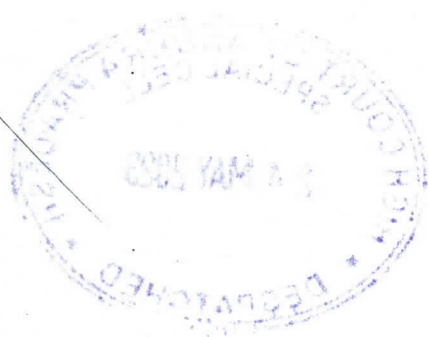
SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Amaravati, Guntur District.
2. The District Collector, Visakhapatnam District.
3. The Joint Collector, Visakhapatnam District
4. The Revenue Divisional Officer, Visakhapatnam Sub Division.
5. The Tahsildar, Gajuwaka Mandal, Visakhapatnam District.
6. The Tahsildar, Pedagantyada Mandal, Visakhapatnam District.
7. The Commissioner of Police, Visakhapatnam.
8. Assistant Commissioner of Police, Gajuwaka, Visakhapatnam.
9. The Station House Officer, Gajuwaka Police Station, Visakhapatnam City.
10. The Station House Officer, New Port Police Station, Pedagantyada, Visakhapatnam City.

11. The Commissioner, Greater Visakhapatnam Municipal Corporation, The Zonal Commissioner, G.V.M.C, Zone-VI, Gajuwaka, Visakhapatnam. (Addresses 1 to 11 by **RPAD**)
12. One CC to SRI. V V SATISH Advocate [OPUC]
13. One CC to Sri K. Madhava Reddy, Standing Counsel [OPUC]
14. Two CCs to GP FOR HOME, High Court of Andhra Pradesh. [OUT]
15. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
16. One spare copy

npc



HIGH COURT

BKMJ

DATED:09/05/2023

POST THE MATTER AFTER SUMMER VACATION, 2023.

ORDER

WP.No.12383 of 2023

DIRECTION

