

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

W.P.No.6272 of 2022

ORDER:-

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief/s:-

“... to issue a Writ Order direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 2nd respondent in preventing the unauthorized construction undertaken by the 3rd respondent to construct the Mosque in D.No.3/214-1, Rajupet, Machilipatnam, Krishna District, without prior permission from Municipality and also failure to act on the representation dated 21.02.2022, submitted by the petitioner is illegal, arbitrary, violation of Articles 14, 19 and 21 of the Constitution of India and contrary to the Rules framed under the Andhra Pradesh Municipalities Act, 1965 and pass appropriate orders and consequently direct the 2nd respondent to stop the unauthorized construction undertaken by the 3rd respondent forthwith in D.No.3/214-1, Rajupet, Machilipatnam and be pleased to pass such other order or orders ...

2. Heard learned counsel for the petitioner and Sri M. Manohar Reddy, learned Standing Counsel appearing for the 2nd respondent.

3. The grievance of the petitioner is that without there being any permission obtained from the 2nd respondent-Municipal Corporation, the 3rd respondent has constructed a Mosque in D.No.3/214-1, Rajupet, Machilipatnam, Krishna district and causing communal harmony between Sunni and Jamate Tabligh sects among the Muslims.

4. Learned counsel for the respondents submits that the Municipal Corporation is not the competent authority to grant permission for religious structures and the District Collector is competent to give permission for such construction.

5. In the present Writ Petition, there is purely a civil dispute in between the petitioner herein and the 3rd respondent with regard to title to the property. Hence, it is for the petitioner to redress his grievance by approaching the appropriate authority.

6. Learned counsel for the respondents also submitted that there is no such obligation on the part of the Municipal authorities as the power is vested with the District Collector to grant permission for such religious structures and the District Collector is also not made a party respondent to the Writ Petition.

7. Hence, I found no reasons to direct the 2nd respondent-Municipal Corporation to take action against the 3rd respondent as the power is vested with the District Collector.

8. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 11-04-2022
EPS

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35

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