

APHC010570232022



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3505]

**TUESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 34697/2022

Between:

Bhashyam Venkata Rao and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1..

2.SUDHIR MATTEGUNTA

Counsel for the Respondent(S):

1.K.MADHAVA REDDY (SC FOR GVMC)

2.GP FOR REVENUE

3.GP FOR MUNICIPAL ADMN URBAN DEV

The Court made the following order:

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

“.....issue a writ order or direction more particularly one in the nature of Writ Of Mandamus Mandamus declaring the Letter Computer No.326138/2022-Land-E4, dated 26.09.2022 issued by the by the 3rd respondent there by allotting the Government land in survey No.138/1 admeasuring an extent of Ac.0.16 cents for burial ground for Muslim Community in Chinamushidiwada Village of Pendurthi Mandal Greater Visakhapatnam Municipal Corporation (GVMC) and consequent handing over the land as per R.O.No.53/2021/A, Dated 27.09.2022 by the 7th respondent to the 6th respondent without considering the representations of the Petitioners and other residents of the Chinamushidiwada Village Pendurthi Mandal Dated 26.09.2022 submitted to the 3rd and 7th respondents as illegal and arbitrary against the provisions of the The Greater Hyderabad Municipal Corporation Act, 1955 and violative of Article 14 & 21 of Constitution of India and Set aside the same and Consequently direct the respondents to cancel the allotment Letter Computer No.326138/2022-Land-E4, dated 26.09.2022 issued by the by the 3rd respondent allotment of Government land in survey No.138/1 admeasuring an extent of Ac.0.16 cents for burial ground for Muslim Community in Chinamushidiwada Village of Pendurthi Mandal Greater Visakhapatnam Municipal Corporation (GVMC) and to pass...”

2. It is the case of the petitioners that, they are residing in Lakshmi Narasimha Towers-1, situated in Sy.No.133/4 and 138/2 of Chinamushidiwada Village, Pedurthi Mandal, Visakhapatnam District. It is their further case that, on the northern side of Sri Lakshmi Narasimha Towers, there is a vacant land in Sy.No.138/1. It is further case of the petitioners that, they came to know that the vacant land in Sy.No.138/1 is proposed for burial ground for Muslim community on the request of Masjid-E-Noorani Committee. In pursuance thereof, the 3rd respondent addressed letter dated 26.09.2022, to the 4th respondent to offer remarks and submit

necessary requisitions in terms of GO.Ms.No.571, dated 14.09.2012, for taking further action in the matter, so as to allot land to an extent of Ac.0.16 cents in Sy.No.138/1 of Pendurthi Village. It is further case of the petitioners that, on coming to know about the proposal to allot land for burial ground adjacent to their residential apartments, they made a representation dated 26.09.2022, to respondent Nos.3 & 7, requesting not to allot the said land for burial grounds. It is further case of petitioners that, when there was no action from the respondents, the present writ petition is filed questioning the letter dated 26.09.2022, addressed by the 3rd respondent to the 5th respondent.

3. On the other hand, the respondent Nos.3, 4, & 6, have filed counter affidavits inter alia stating that, the existing burial ground of Muslim Community is affecting in 60-0 master plan road widening and in pursuance thereof, the Masjid-E-Noorani Committee requested for allotment of alternative land for burial ground. It is further averred in the counter affidavit that, the proposed burial ground for Muslim community is situated adjacent to Hindu and Christian burial grounds which are being used from times immemorial. Taking into consideration of the feasibility and other aspects, after following the procedure as per Section 570 of Municipal Corporation Act, the disputed land admeasuring an extent of Ac.0.16 cents in Sy.No.138, was allotted for burial ground. It is

further stated that, for the past thirty years there were no complaints received from the residents with respect to any contamination of ground water. It is further stated that, there are no merits in the writ petition and prayed to dismiss the same.

4. Heard counsel for the petitioners, learned Assistant Government Pleader for Revenue and Standing Counsel for 5th respondent.

5. Perused the material available on record.

6. The present writ petition is filed questioning the action of respondents in allotting land admeasuring an extent of Ac.0.16 cents in Sy.No.138/1, for burial ground to Muslim community on the ground that it may cause health hazards to the residents of Lakshmi Narasimha Towers. It is further case of the petitioners that, the proposed land is situated beside their residential apartments and if the same is allotted, especially during Covid-19 pandemic, the petitioners including the residents of the said apartments would be put to sufferance. On the other hand, it is categorically averred in the counter affidavits that, abutting to the proposed land, there are existing burial grounds belonging to Hindu and Christian religions. It is further not in dispute that, the said burial grounds are in existence since times immemorial. The petitioners have neither disputed the same nor filed any reply denying the said averments. In the absence of any evidence, the contentions raised by the petitioners cannot be

believed. Apart from the same, the petitioners have not placed anything to show that there were complaints with regard to contamination of ground water and the alleged health hazards of the residents of the apartments.

7. It is pertinent to mention that, the proposed land was identified for burial ground inasmuch as the existing burial ground was affected in 60-0 master plan. The respondents, after following the procedure contemplated under law and taking into consideration of all the aspects including the feasibility, identified the proposed land admeasuring an extent of Ac.0.16 cents in Sy.No.138/1, for allotment of burial ground, which is adjacent to existing burial grounds of Hindu and Christian religions. From the foregoing reasons, the interference of this Court is not warranted.

8. In view of the above, there are no merits in the writ petition, accordingly, the same is dismissed.

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

T.C.D.SEKHAR,J

Date: 22.04.2025
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THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 34697/2022

Date: 22.04.2025
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