

**THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY**

**W.P.No.14242 of 2015**

**ORDER**

Heard learned counsel for the petitioner, learned Standing Counsel for respondents 1 and 3-Wakf Board and learned Government Pleader for Revenue for respondent No.2 .

2. This writ petition is filed seeking to declare the order dated 08.04.2015 passed by the second respondent under Section 52(2) of the Wakf Act, 1995 (for short 'the Act'), directing the petitioner to handover the possession of land to an extent of Ac.0.07 gts in Sy.No.1475, wherein house bearing No.H.No.1-4-77/1 is situated at Gandhi Nagar, Yellareddy, as illegal and arbitrary.

3 . Learned Standing Counsel for Wakf Board submits that as against the impugned order, the petitioner has an alternative remedy of appeal under Section 52(4) of the Act and in stead of availing the same, she has straightaway filed the present writ petition.

4. Section 52(4) of the Act reads as under;

Any person aggrieved by the order of the Collector under sub-section (2) may, within a period of thirty days from the date of the service of the order, prefer an appeal to the Tribunal within whose jurisdiction the property is situate and the decision of the Tribunal on such appeal shall be final.

5. As per the said provision, the petitioner has an alternative remedy of appeal before the Tribunal where the property is situated. Therefore, I am not inclined to entertain the present writ petition. However, learned counsel for the petitioner

submits that a school is being run in the premises in question and the students are studying, some time may be granted. In view of the same, *status quo* obtaining as on today shall be maintained for a period of two weeks from today. In case, the petitioner avails the alternative remedy of appeal within the aforesaid period, the Tribunal shall consider the same in accordance with law. If the petitioner fails to avail the remedy of appeal within the stipulated time, the respondents shall proceed further in accordance with law.

6. With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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**A. RAJASHEKER REDDY, J.**

07<sup>th</sup> May, 2015

sj/prv