

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.40569 of 2015

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Date: 15.12.2015

Between:

U.Padma and 10 others

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Petitioners

and

The Telangana State Wakf Board
rep. by its Chief Executive Officer
Hyderabad and another

.. Respondents

**Counsel for the petitioners:
Associates**

M/s.Bharadwaj

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The Court made the following:

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Order:

Feeling aggrieved by the Communications in F.No.M1/01/SNT/RR/2011, dated 14-09-2015, and Lr.No.m1/36/RR/Prot/2013, dated 7-12-2015, of the Chief Executive Officer of respondent No.1- Wakf Board addressed to respondent No.2, the petitioners, who claim to be in possession of the properties, allegedly, belonging to the Wakf, filed this Writ Petition.

The petitioners have raised a twofold plea *viz.*, (1) that if respondent No.1- Wakf Board seeks to evict them, it has to necessarily follow the procedure prescribed under Section 54 of the Wakf Act, 1995, and (2) that if respondent No.2 seeks to exercise his power for removal of the alleged unauthorized and illegal constructions, he is under an obligation to follow the procedure prescribed under Sections 452 and 636 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act').

A perusal of the impugned communication, dated 14.09.2015, shows that the Chief Executive

Officer of respondent No.1 informed respondent No.2 that the lands admeasuring Acs.47-01 guntas (cultivable land) and Acs.113-04 guntas (uncultivable land) situated in various Survey Numbers at Malkajgiri Village were notified in A.P.Gazette No.35, dated 27-08-1987, and requested the latter to fix a convenient date for demolition of the structures existing therein. A similar communication was sent on 07-12-2015.

As rightly submitted by Mr.Vedula Venkataramana, learned Senior Counsel appearing for the petitioners, respondent No.1 has to necessarily follow the procedure prescribed under Section 54 of the Wakf Act, 1995, if it seeks to evict the petitioners and similarly, respondent No.2 needs to follow the procedure prescribed under Sections 452 and 636 of the Act, if he is satisfied that the petitioners had raised illegal constructions in the lands in question.

In this view of the matter, the respondents are directed to strictly follow the procedures referred to above for taking the action for eviction or

demolition of the buildings as the case may be.

Subject to the above observations and direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.52399 of 2015, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 15th December, 2015
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