

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

Writ Petition No.8084 of 2015

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ORDER:

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This writ petition is filed to issue a *Writ of Mandamus*, directing the respondents to allot additional land of 0-05 guntas in addition to the land admeasuring Ac.1-03 gts., which was already leased out to the petitioner for running Islamic school in Sy.No.496 situated at Dargah Hzt, Ganj-e-Shaheed (Rh), of Khammam District.

Heard the learned counsel for the petitioner.

The petitioner is the wife of late Sd.G. Pasha. He was allotted land to an extent of Ac.1-03 gts., in Sy.No.496 of Khammam town, on lease, for establishment of a religious school, and through order dated 27-09-2013, the same was extended for a further period of three years, subject to enhancement of the lease amount. After the demise of the husband of the petitioner, she applied for transfer of the said lease in her favour, and since no action was taken on her representation, she filed W.P.No.2363 of 2014. This Court through order dated 03-03-2014 disposed of the writ petition, directing the Wakf Board to consider the representation of the petitioner for grant of No Objection Certificate, for taking up construction of religious school. Subsequently, the Wakf Board issued order dated 20-02-2014, transferring the tenancy in favour of the petitioner.

The petitioner states that after obtaining No objection certificate from the Wakf Board, she erected temporary sheds and running the school, and on verification, it was found that the area leased out to the petitioner was Ac.1-08 gts., and not Ac.1-

03 gts., and that the said

0-05 gts., is being used as path way. It is stated by the petitioner that to avoid future complications, she requested the Wakf Board to include the said 0-05 gts., also in the lease agreement. Thereafter,

on 22-10-2014, the respondents 1 and 4 have conducted enquiry and submitted a report to the 1st respondent on 30-10-2014, stating that the request of the petitioner may be considered. The petitioner states that in spite of the report, no action is taken by the

1st respondent. She also made a representation dated

26-11-2014 to the 1st respondent to include the said 0-05 guntas in the lease agreement. The said representation is still pending and no orders have been passed till today.

The limited grievance of the petitioner is this writ petition is that though enquiry on the subject land was conducted and a report was submitted to the 1st respondent, no orders were passed on her representation, to include 0-05 guntas, which is being used as path way.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, the writ petition is disposed of, directing the respondents 1 and 2 to consider the representation of the petitioner dated 26-11-2014, in view of the report, said to have been filed by the 4th respondent, and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

The miscellaneous petition filed in the writ petition shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J.

Dt.26-03-2015.

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