

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION Nos.38878 and 38883 of 2015

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01.12.2015

W.P.No.38878 of 2015:

Between:

Gaddam Gopal Reddy

.. Petitioner

and

The Andhra Pradesh State Wakf Board, Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.Unnam Muralidhar Rao

Counsel for respondent Nos.3 and 6: Assistant Government Pleader
for Home (AP)

Counsel for respondent Nos.1, 2, 4, 5 and 7: --

W.P.No.38883 of 2015:

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Between:

Bariga Srinivasulu .. Petitioner

and

State of Andhra Pradesh,

Represented by its Secretary, Minority Welfare Department,

Hyderabad and others

Counsel for the petitioner: Mr.Srinivas Karra

Counsel for respondent No.1: Government Pleader
for Minority Welfare (AP)

Counsel for respondent No.3: Assistant Government Pleader for Revenue (AP)

Counsel for respondent No.4: Assistant Government Pleader for Home (AP)

Counsel for respondent No.2: --

The Court made the following:

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COMMON ORDER:

The petitioners, who are in possession of certain lands, allegedly belonging to a Wakf called Darga Hazrath Sulthan Shaheed, Eidgah & Mosque situated at Atmakur Village, filed these writ petitions feeling aggrieved by two separate communications issued by respondent No.4 in W.P.No.38878 of 2015. One communication bearing F.No.M7/03/NLR/Prot/2015, dated 17.11.2015, is addressed to the Station House Officer, Atmakur Police Station, to register cases against the petitioners herein for being in unlawful possession of the property under Section 52-A of the Walf Act, 1995 (for short 'the Act'). The other communication bearing F.No.IAW/NLR/42/2008, dated 07.07.2015, has been addressed to respondent No.2 in W.P.No.38878 of 2015 requesting the latter to issue notices under Section 54 of the Act to as many as 19 persons including the petitioners herein for their eviction.

Both Mr.Unnam Muralidhar Rao, learned counsel for the petitioner in W.P.No.38878 of 2015, and Mr.Srinivas Karra, learned counsel for the petitioner in W.P.No.38883 of 2015, raised several legal contentions including the one relating to limitation for initiating action. This Court feels that for the present these contentions need not be considered for the simple reason that so far neither criminal proceedings have been initiated against the petitioners nor notices under Section 54 of the Act for eviction have been issued to them. Both the impugned proceedings are internal correspondence between two functionaries and let alone an adverse order is passed against the petitioners, not even any proceeding has been initiated against them so far. Therefore, this Court perceives these two writ petitions as wholly premature. If and when follow up action is taken by the recipients of the impugned proceedings i.e., the Station House Officer and the Chief Executive Officer of the Wakf Board in response thereof, the petitioners shall be free to avail appropriate legal remedies. It is needless to observe that if proceedings under Section 54 of the Act are initiated, the petitioners shall be issued notices under Sub-Section (2) thereof and the procedure envisaged by the said provision shall be followed before any orders adverse to the interests of the petitioners are passed.

Subject to the observations and directions given hereinbefore, these two Writ Petitions are dismissed.

As a sequel to dismissal of these writ petitions, W.P.M.P.No.50080 of 2015 filed by the petitioner in W.P.No.38878 o 2015 and W.P.M.P.No.50088 of 2015 filed by the petitioner in W.P.No.38883 of 2015 for interim reliefs shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

01st December, 2015

GHN

