

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF SEPTEMBER

TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE A RAMALINGESWARA RAO

**WP.Nos. :33950, 23622, 31561, 16293, 17599, 33133, 40252 of 2014 AND
24654 OF 2015**

WP No. 33950 of 2014

Between:

Sher Ali Shah, S/o. Late Manzoor Ali Shah,

..... Petitioner

AND

- 1 The State of Telangana, Rep. by its Principal Secretary, Minorities Welfare Department, Secretariat at Hyderabad.
- 2 A.P. State Waqf Board, Rep. by its Chief Executive Officer, Haj House Complex, Opp: Public Garden, Nampally Road, Hyderabad.

..... Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of "Writ of Certiorari" by declaring the action of the Respondents more particularly Respondent No.2 to call for the records and quash the notification issued in A.P. Gazette 44-A, Supplement to Part-II dt.31-10-2002 under Sl.No.24651 at Page 155 as the same is ex-facie illegal, arbitrary and issued without jurisdiction amounting to abuse of discriminatory powers and consequently direct the Respondent No.2 including his officials not to meddle and interfere with the possession of the Petitioner's including his tenants in respect of his lands in old Sy.No.137/1 & 2 (corresponding to new Survey No.294 and Sy.No.285) admeasuring Ac.3-32 guntas and Ac.O-33 guntas, situated at Kanteshwar Village, Nizamabad-TS, in the interest justice.

The petition coming on for hearing and upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri NAZIR AHMED KHAN Advocate for the Petitioner, GP for Social Welfare for Respondent No.1 and of Sri Mirza Safiullah Baig, SC for respondent No.2

WP.No. 23622 OF 2015

Between:

- 1 Smt. Bilquees Bee W/o. Late Syed Jahangir,
- 2 Syed Nazir S/o Late Syed Jahangir,
- 3 Syed Faimeeda Begum, W/o. Late Syed Ismail,
- 4 Syed Ghouse S/o Late Syed Jannu Miya,
- 5 Syed Jaffar, S/o. Late Syed Jannu Miya,
- 6 Syed Iqbal S/o late Syed Jannu Miya,
- 7 Smt. Ameer Bee W/o late Syed Afzal Miya,
- 8 Syed Jaffar, S/o. Late Syed Afzal Miya,
- 9 Syed Zahoor, S/o. late Syed Afzal Miya,
- 10 Syed Raheem S/o. late Syed Afzal Miya,

11 Syed. Nawab, S/o. Late. Syed Altaf Hussain @ Sardar,
12 Syed. Azam S/o. late Syed Altaf Hussain @ Sardar,
13 Smt. Bijan Begum, W/o. Syed Iqbal,
14 Smt. Raheemunnissa Begum, W/o. Syed Iqbal,
15 Syed Azeem, S/o. Late Syed Iqbal,
16 Syed Saleem, S/o. late. Syed Iqbal,
17 Syed Aleem, S/o. late. Syed Iqbal,
18 Syed Kaleem, S/o. late. Syed Iqbal,
19 Syed Shameem, S/o. late. Syed Iqbal,
20 Sharafan Bee W/o. Syed Abdul Rehman,
21 Syed Saleem S/o. Late Syed Abdul Rehman,
22 Syed Azeem S/o late Syed Abdul Rehman, ,.

23 Smt Hafeeza Bee, W/o Late Syed Jhangir,
24 Syed Yousuf S/o. late Syed Jhangir,.
25 Syed Shareef S/o. late Syed Jhangir,
26 Syed Hameed S/o late Jani Miya,
27 Syed Ahmed S/o. Syed Hameed,
28 Syed Amir, S/o. Syed Hameed,
29 Syed Jilani S/o late Jani Miya,
30 Syed Zulaka Begum, W/o. Late. Chand Pasha,
31 Syed Saleem, S/o. Late Syed Chand Pasha,
32 Syed Waseem, S/o. Late Syed Chand Pasha,
33 Syed Faheem, S/o. Late Syed Chand Pasha,
34 Syed Ghulam Dastagir S/o late Ghouse Miya
35 Syed Siddiq S/o late Ghouse Miya,
36 Syed Chand S/o late Ghouse Miya,
37 Ayusha Paraven W/o. Late Syed Akthar,
38 Syed Dawood, S/o Late Syed Akthar,
39 Syed Raffiq S/o late Ghouse Miya,

..... Petitioners

AND

1 The State of Telangana rep., by its Principal Secretary, Revenue Department,
Secretariat Buildings, Hyderabad.
2 The Principal Secretary, Revenue (JA-1) Department, State of Telangana,
Secretariat
Buildings, Hyderabad.
3 The Special Chief Secretary to Government of Telangana & The Chief
Commissioner of
Land Administration, Hyderabad.
4 The Andhra Pradesh State Waqf Board, Rep., by its Chief Executive Officer, Haj
House,
opp. Public Garden, Nampally, Hyderabad.
5 The District Collector, Medak District, Sanga Reddy.
6 The Joint Collector, Medak District, Sanga Reddy.
7 The Revenue Divisional Officer, Medak, Medak District.
8 The Tahsildar, Shivampet Mandal, Medak District.
9 The Survey Commissioner of Waqf, Haj House, opp. Public Garden, Nampally,
Hyderabad.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the
circumstances stated in the affidavit filed herein, the High Court may be pleased to

issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus assailing the action of the respondents No.1 & 4 in publishing the Gazette Notification in Supplement to Part-II Notification No.46-A, dated 15-11-2001 by notifying the land in Sikindlapur Mandal, Medak District as the properties of the Andhra Pradesh State Wakf Board including the lands which are in the petitioner possession and enjoyment in an extant of Ac.665.23 Guntas in Sy.No.33 to 38, 42, 43, 45 to 50, 51(part), 52 to 54, 56, 59 (part) 60 to 68, 70, 72 to 74 and 76 to 87 of Sikindlapur vide S.No.18293 without conducting Survey and without putting the occupants on notice as arbitrary and illegal and contrary to the provisions of Waqf Act, 1995 and apart from being violation of fundamental rights guaranteed to the petitioner under Article 14, 19 & 21 of Constitution of India and consequently set aside the Gazette Notification in Supplement to Part II Notification No.46-A, dated 15- 11-2001 in so far as the land in an extant of Ac. Ac.665.23 Guntas in Sy.No.33 to 38, 42, 43, 45 to 50, 51(part), 52 to 54, 56, 59(part) 60 to 68, 70, 72 to 74 and 76 to 87 of Sikindlapur against S.No.18293.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in herein and upon hearing the arguments of SRI V. R. REDDY KOVVURI Advocate for the Petitioners, GP for Revenue (TG) for Respondent Nos.1 to 3 and 5 to 8 and of Sri Mirza Safiullah Baig, SC for respondent No.4.

WP :31561 of 2014

Between:

- 1 Smt.Safiya Begum, W/o Late Fayazuddin
- 2 Riyasuddin, S/o Mohiuddin

..... Petitioners

AND

Andhra Pradesh State Wakf Board, Razzak Manzil, Opp. Public Gardens, Nampally, Hyderabad, Represented Through its Chief Executive Officer.

.....Respondent

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed here in the High Court will be pleased to issue a Writ of Certiorari or any other appropriate writ or writs, order of direction, to call for the records pertaining to Notification issued supplement to part-II of A.P. Gazette published by authority No.44-A, Hyderabad, on Thursday October 3rd 2002 under the Head "Notifications by the Heads of Department Etc., Revenue Notifications, Andhra Pradesh Wakf Board (Respondent herein), showing list of properties (Registered and Unregistered in Bhodan Taluk of Nizamabad District of the Telangana Region Surveyed under Sec.4(3) of the Wakf Act, 1954 and published under Sec.5(2), under Serial No.22898, on page No.145, Serial No.10, Sy.No.693, an extent of Ac.2-13 guntas, Sy.No.537 total extent of 1-02 guntas situated at Douthiyal Tarfa, Bodhan Mandal, Nizamabad District and Sy.No.665/1, 2, 3 to an extent of Ac.5-35 guntas situated at Bellal Tarfa, Bodhan Mandal Nizamabad District total extent of Ac.9-10 guntas Vide Ref.File No.916/CWIV/65, as Wakf Lands, and quash the same as it is published under repealed Wakf Act of 1954, and the same as it is published under repealed Wakf Act of 1954, and the same is illegal and arbitrary and against the

principles of Natural justice infringing the rights of the petitioners under Art.300-A of Constitution of India; award costs.

The petition coming on for hearing and upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri NAZIR AHMED KHAN, Advocate for the Petitioners and of Sri Mirza Safiullah Baig, SC for respondent.

WP :16293 of 2014

Between:

Qazi Khaja Jaleeluddin S/o Late Khaja Mohiuddin,

..... Petitioner

AND

Andhra Pradesh State Wakf Board, Razzak Manzil, opp Public Gardens,
Nampally, Hyderabad, rep through its Chief Executive Officer.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ of Certiorari or any other appropriate Writ or Writs, Order or Direction, to call for the records pertaining to Notification issued vide Gazette No. 40-A Supp. Part II P.148 dt 3.10.2002 at Sl. No. 22909 in respect of lands bearing Sy No. 73 - extent Ac.0.07 gts, Sy No. 74 - extent Ac.0.38 gts, Sy No. 75 - extent Ac.0.13 guntas, Sy No. 79 - extent Ac.3.20 guntas, Sy No.80 - extent Ac.0.26 guntas, Sy No. 90 - extent Ac.1.31 guntas, Sy No. 91 - extent Ac.2.20 guntas and Sy No. 92 - extent Ac.1.39 guntas situated at Pandu Tarfa, Bodhan Mandal, Nizamabad District and Sy No. 50 - extent Ac.2.28 guntas situated at Chekki Tarfa, Bodhan Mandal, Nizamabad District, as wakf lands, and quash the same as it is published under repealed Wakf Act of 1954, and the same is illegal and arbitrary and against the principles of natural justice infringing the rights of petitioner under Art 300-A of Constitution of India; Award costs. .

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated 10/09/2015 made herein and upon hearing the arguments of SRI T. SUJAN KUMAR, Advocate for the Petitioner and of Sri Mirza Safiullah Baig, SC for respondent.

WP :17599 of 2014

Between:

Sher Ali Shah, S/o.Late Manzoor Ali Shah

..... Petitioner

AND

1 The State of Telangana Rep. by its Principal Secretary, Minorities Welfare Department,
Secretariat at Hyderabad.

2 A.P. State Waqf Board Rep. by its Chief Executive Officer, Haj House Complex,
Opp:
Public Garden, Nampally Road, Hyderabad.

3 The Station House Officer Rural Police Station, Nizamabad Town & District.

4 The District Collector Nizamabad, District Nizamabad.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of "Writ of Mandamus" by declaring the action of the Official Respondent Nos.1 & 2 more particularly Respondent No.2, as arbitrary, illegal, highhanded, and discriminatory in interfering into the private Inam Land of the Petitioner in Sy.No.307, admeasuring Ac.06-04 guntas, Situated at Kanteshwar, Nizamabad, by falsely claiming as Waqf property, thought it is a neither a Waqf Property nor a Gazette Notified and harassing the Petitioner and his tenants by issuing notices and making police complaints and consequently direct the Respondent No.2 not to meddle into the Petitioner's said land in Sy.No.307 by issuing notices or any police complaints.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated 10/09/2015 made herein and upon hearing the arguments of SRI NAZIR AHMED KHAN, Advocate for the Petitioner, GP for Social Welfare for Respondent No.1, Sri Mirza Safiullah Baig, SC for respondent No.2, GP for Home for Respondent No.3 and of GP for Revenue for Respondent No.4, the Court made the following.

WP :33133 of 2014

Between:

M/ s. Solithro Private Limited, (A company incorporated under Companies Act), Office at F-2, Adarsh Apartments, H.No. 1-1-581, Gandhi Nagar, Hyderabad, Rep. by its Director Sri.Tatambhotla Shankar Prasad.

..... Petitioner

AND

- 1 The State of Telangana, (Formerly Government of Andhra Pradesh), Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
- 2 The Andhra Pradesh State Waqf Board Rep. by its Chief Executive Officer Haj House, Opp: Public Garden, Nampally, Hyderabad.
- 3 The District Collector, Medak District at Sanga Reddy.
- 4 The Revenue Divisional Officer, Medak Division, Medak District.
- 5 The Tahsildar, Shivampet Mandal, Medak District.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed here in the High Court may be pleased to issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents Nos. 1 & 5 in publishing the Andhra Pradesh Gazette No. 46-A, dated: 15.11.2001 by notifying the list of properties of Andhra Pradesh State Waqf Board in Narsapur and Siddipet Taluks of Medak District including the lands of the petitioner in Sy.Nos.136, 137, 227 & 228 of Shabhashpally Village, Shivampet Mandal, Medak District vide Serial No.18333 without conducting survey and without any notice to the occupants as bad arbitrary, illegal and contrary to the Provisions of the Waqf Act, and consequently, set aside the said Gazette Notification No. 46-A, dated: 15.11.2001 in so far as the lands of the petitioner are concerned;

The petition coming on for hearing and upon perusing the petition and affidavit filed

herein and upon hearing the arguments of SRI C.DAMODAR REDDY, Advocate for the Petitioner, GP for Revenue (TG) for Respondent Nos.1, 3 to 5 and of Sri Mirza Safiullah Baig, SC for respondent No.2

WP 40252 of 2014

Between:

- 1 Bellidiga Gangadhar, S/o.Late Bhoomanna,
- 2 Smt.Bellidiga Laxmi Bai, W/o.B.Gangadhar,
- 3 Smt.Tella Shailaja, W/o.Tella Kiran Kumar,
- 4 Kum.Bellidiga Sujana, D/o.B.Gangadhar,
- 5 Sri Tella Kiran Kumar, S/o. Late T.Hanmandloo,

..... Petitioners

AND

- 1 The State of Telangana, rep.by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
- 2 The District Collector, Nizamabad Nizamabad District
- 3 The Revenue Divisional Officer, Bodhan, Nizamabad Dist.
- 4 The Tahsildar, Bodhan Mandal, Bodhan Nizamabad District.
- 5 A.P.State Wakf Board, Rep.by its Chief Executive Officer, Haj House, Opp.Public Gardens, Nampally,Hyderabad,Telangana State.
- 6 Sri T.Raja Vithal, S/o.Lakshmi Kanthaiah, Near Post Office, Kummari Galli, Siva Mandir Road, Bodhan Town and Mandal, Nizamabad District

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an appropriate writ order or direction more in the nature of WRIT OF MANDAMUS declaring the District Gazette Notification issued in Supplement to Part-II of A.P. Gazette No.40A dated 03-10-2002 so far as publishing the lands in Sy.No.502/AA to the extent of Ac.10.35 guntas of Duddyal Tarfa Shivar, Bodhan Mandal, Nizamabad District published as S1.No.22901 at Page No.146 of the Gazette and the consequential memo issued by the 4th respondent in No.D/2453/2014, dated 11-12-2014 as illegal, arbitrary without jurisdiction as the survey of the lands was conducted under Sec.4(3) of the Wakf Act 1954 and published under Sec.5(2) of Wakf Act of 1954 after coming into force of the Wakf Act 1995 and consequently direct the 3rd and 4th respondents to issue pattadar pass books and title deeds by mutating the names of the petitioners in Revenue records against the lands in Sy.No.502/AA to the extent of Ac.10.35 guntas of Duddyal Tarfa shivar, Srinivasa Nagar Panchayat Limits, Bodhan Mandal, Nizamabd District forthwith.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of SRI M. SUBBA REDDY, Advocate for the Petitioners, GP for Revenue (TG) for Respondent No.4, and of Sri Mirza Safiullah Baig, SC for respondent No.5.

WP 24654 of 2015

Between:

- 1 Goguri Sachindra, S/o. G. Mohan Reddy,
- 2 Smt. Goguri Radha W/o. G.Mohan Reddy,
- 3 G. Mahindra S/o.G.Mohan Reddy,

- 4 Smt. Bandi Veeramani, W/o. Yellaiah,
- 5 Jampathi Narayana Reddy, S/o. Mamma Reddy,
- 6 G.Avinash Varma, S/o. Venkateswara Varma,
- 7 T.Sulochana Devi, W/o. T.Sudhakar Reddy,
- 8 Ragula Sailoo S/o. Narsaiah,
- 9 Perumandla Narsimhulu, S/o. Mallaiah,
- 10 Perumandla Anjaneyulu @ Anjaiah, S/o. Pentaiah,
- 11 Narsimhulu S/o. Pentaiah,
- 12 Koruparthi Gopal S/o. Ramulu,.

- 13 Koruparthi Balaiah S/o. Ramulu,
- 14 Thodumu Narsaiah S/o.Narsimhulu,
- 15 Machukuri Shankaraiah, S/o. Yellaiah,
- 16 Machukuri Harish S/o. Yellaiah,
- 17 Badikolu Venkat Reddy S/o.Gopi Reddy,
- 18 Badikolu Bhoopal Reddy S/o. Malla Reddy,
- 19 Toomula Narender Reddy S/o. RamReddy,
- 20 Badikolu Lakshmi W/o. Malla Reddy,
- 21 Badikolu Govind Reddy S/o. BalReddy,
- 22 Badikolu Shobha W/o. Late Goverdhan Reddy,
- 23 Badikolu Narsimha Reddy S/o. Jayaramreddy,

..... Petitioners

AND

- 1 Andhra Pradesh State Wakf Board, Rep. by its Chief Executive Officer, Haj House, Opp: Public Gardens, Nampally, Hyderabad.
- 2 State of Telangana, (formerly Govt. of A.P.) Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
- 3 The District Collector, Medak District at Sangareddy, Medak District.
- 4 The Revenue Divisional Officer, Medak Division, Medak, Medak District
- 5 The Tahsildar, Shivampet Mandal, Medak District.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased issue Writ or Order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 1 & 2 in publishing the Andhra Pradesh Gazette No. 46-A dt. 15.11.2001 by notifying the list of agricultural properties of Andhra Pradesh State Wakf Board in Narsapur and Siddipet Taluks of Medak District including the lands of the petitioners in Sy.Nos.126, 127, 128, 129, 130, 131, 141, 143, 149, 159, 160 to 172, 173, 175, 178 to 183, 181, 180, 181, 183, 189 to 192, 211, 213, 215 to 218 & 225 an extent of Ac.177.03 1/2 gts., of Shabhashpally Village, Shivampet Mandal, Medak District vide SI.No.18333 without conducting survey and without any notice to the petitioners or occupants as bad, arbitrary, illegal and contrary to the provisions of the Wakf Act and consequently set-aside the said Gazette Notification 46-A dt. 15.11.2001 in so far as the lands of the petitioners are concerned.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of SRI T. SUDHAKAR REDDY Advocate for

the Petitioner, Sri Mirza Safiullah Baig, SC for respondent No.1 and of GP for Revenue for Respondent Nos.2 to 5, the Court made the following:

COMMON ORDER:

All these cases are taken up for consideration for examination of the issue relating to the validity of publication of notification by the A.P.Wakf Board, when the old Act was in operation and it was published later on when the new Act came into operation.

The arguments were advanced on that point, but later on, the learned counsel want to advance arguments on the merits of the cases also, irrespective of the validity of the notification. This requires deeper consideration by this Court.

In view of the same, this Court is not inclined to confine its consideration to the above point. Hence, post all these cases after Dassera Vacation, 2015. In the meanwhile, both the parties shall maintain *status-quo* with regard to possession.

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Minorities Welfare Department, Secretariat, State of Telangana, Hyderabad.
- 2 The Chief Executive Officer, A.P. State Waqf Board, Haj House Complex, Opp:
Public Garden, Nampally Road, Hyderabad
- 1 The Principal Secretary, Revenue Department, State of Telangana, (Formerly Government of Andhra Pradesh), Secretariat, Hyderabad.
- 2 The District Collector, Medak District at Sanga Reddy.
- 3 The Revenue Divisional Officer, Medak Division, Medak District.
- 4 The Tahsildar, Shivampet Mandal, Medak District.
- 5 The Station House Officer Rural Police Station, Nizamabad Town & District.
- 6 The District Collector Nizamabad, District Nizamabad.
- 7 The District Collector, Nizamabad Nizamabad District
- 8 The Revenue Divisional Officer, Bodhan, Nizamabad Dist.

- 9 The Tahsildar, Bodhan Mandal, Bodhan Nizamabad District.
10. Sri T.Raja Vithal, S/o.Lakshmi Kanthaiah, Near Post Office, Kummari Galli,
Siva Mandir Road, Bodhan Town and Mandal, Nizamabad District
11. One CC to Sri NAZIR AHMED KHAN Advocate (OPUC)
12. One CC to SRI V. R. REDDY KOVVURI Advocate (OPUC)
13. One CC to SRI T. SUJAN KUMAR, Advocate (OPUC)
14. One CC to SRI C.DAMODAR REDDY, Advocate (OPUC).
15. One CC to SRI M. SUBBA REDDY, Advocate
16. Two CCs to GP for Social Welfare (T.S),High Court Buildings, Hyderabad. (OUT)
17. Two CCs to GP for Revenue (T.G.),High Court Buildings, Hyderabad. (OUT)
18. One spare copy.

TVR

HIGH COURT

ARLRJ

DATED: 10-09-2015

**WP.Nos. :33950, 23622, 31561, 16293, 17599, 33133, 40252 of 2014
AND
24654 OF 2015**

STATUS QUO

**Drafted: Tvr
Dated 11-09-2015**

HIGH COURT

ARLRJ

DATED: 10-09-2015

**WP.Nos. :33950, 23622, 31561, 16293, 17599, 33133, 40252 of 2014
AND
24654 OF 2015**

STATUS QUO