

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

Writ Petition No.39675 of 2015

Dated 08.12.2015

Between:

Hazarath Jhunnu Shaheed
Industrial Training Centre
Guntur, rep. by its
Correspondent Smt.Razia Sultana

... Petitioner

and

-
Andhra Pradesh State Wakf Board
rep. by its Chief Executive Officer
Hyderabad and another.

...Respondents

Counsel for the petitioner:

Mr.S.M.Subhani

The Court made the following:

Order:

The petitioner, which is running an Industrial Training Centre in a building constructed by it over the land belonging to respondent No.1, filed this Writ Petition feeling aggrieved by the Memo in F.No.R4/9/Rent/GNT/2004-2, dated 19-11-2015, of respondent No.1 whereby it was directed to hand over possession of the property to the Inspector Auditor Waqfs, Guntur District, within 15 days from

the date of receipt of the said Memo.

A perusal of the material on record shows that multiple rounds of litigation have preceded this Writ Petition. Indeed, when a similar eviction order was passed by the Revenue Divisional Officer concerned, the petitioner has approached the Andhra Pradesh Wakf Tribunal (for short 'the Tribunal') by filing OA.No.12 of 1999, which was disposed of by the Tribunal by declaring that the petitioner is entitled to remain in possession of the subject property until it is evicted by due process of law and that if the Wakf Board wants to evict it after expiry of the lease period, it can do so by invoking the provisions of Sections 54 and 55 of the Wakf Act, 1988 (for short 'the Act').

The grievance of the petitioner is that as it is not willing to agree to the unreasonable demand of the respondents to increase the existing rent of Rs.6,000/- to Rs.15,000/-, the latter have resorted to the illegal action of unceremoniously evicting it without following the procedure directed to be followed by the Tribunal.

After hearing Mr.Habeeb-Ur-Rahman, learned Counsel appearing for Mr.Shafath Ahmed Khan, learned Standing Counsel for the Andhra Pradesh Wakf Board, I am of the opinion that the respondents cannot evict the petitioner from the subject property without following the due process of law as directed by the Tribunal, but, at the same time, the petitioner cannot be permitted to remain in its possession on payment of a pittance of rent. In this view of the matter, the respondents are directed not to evict the petitioner without initiating the proceedings under Sections 54 and 55 of the Act. Till such eviction takes place, the petitioner shall be permitted to continue in possession of the property in question subject to its paying a sum of Rs.12,000/- per month towards rent/damages for its use and occupation with effect from 01-12-2015.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.5489 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 8th December, 2015
LUR