

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

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WRIT PETITION No.25652 of 2015

Between:

Eppa Yellappa and others.

....Petitioners

and

The State of Andhra Pradesh,
Rep.by its Principal Secretary, Home Department,
A.P.Secretariat, Hyderabad,
and others.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 20.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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|----|---|--------|
| 1. | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be
Marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether His Lordship wishes to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.25652 of 2015

ORDER:

The petitioners submit that they are small and marginal farmers doing agricultural activity in the lands owned by them in their Village. There are revenue records in support of their title. While so, when the second respondent claimed the lands owned by the petitioners as waqf lands attached to Noorani Mosque, the petitioners showed their title deeds. No action was taken in the first week of June, 2015, when he visited. But, thereafter, he continued to visit the lands in the months of

July and August, 2015. Without passing any order, the second respondent is complaining to respondent Nos.3 and 4 to interfere with the agricultural activity of the petitioners. In those circumstances, the present Writ Petition is filed challenging the action of the second respondent.

The Writ Petition came up for admission on 14.08.2015 and it was adjourned to today for getting instructions by the learned Standing Counsel for the Waqf Board. Today, when the matter is listed, the learned Standing Counsel submits that since the Waqf Board is not a party to the present Writ Petition, he could not get any instructions.

Learned Counsel for the petitioners submits that there is a separate provision under Section 52 of the Waqf Act, 1995, read with Rule 22 of the Andhra Pradesh Waqf Rules, 2000, for taking any action in respect of encroachment of waqf land. But, the second respondent has not followed any such procedure and, in fact, he has not issued any communication either to the petitioners or to respondent Nos.3 and 4.

In the circumstances, this Writ Petition is disposed of directing respondent Nos.2 to 4 not to interfere with the lands possessed by the petitioners without following due process of law. This will not prevent the Andhra Pradesh Waqf Board or its Officers from taking necessary action in accordance with law. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

20.08.2015
vs