

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 27953 of 2012

ORDER:

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Heard learned counsel for the petitioners and Government Pleader for Revenue. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the action of respondent No.2 in not conducting de novo enquiry as directed by respondent No.3 in Case No.F1/707/2009, dated 07.11.2009, as illegal, arbitrary and violative of principles of natural justice.

The facts in issue are as under:

The petitioners claim themselves to be in possession of Inam Lands admeasuring Ac.3.03 gts., in sy.No.169, Ac.1.10 gts., in Sy.N.170, Ac.1.14 gts., in Sy.No.171, Ac.1.30 gts., in Sy.No.194, Ac.2.35 gts., in Sy.No.195, Ac.3.00 gts., in Sy.No.196, Ac.2.26 gts., in Sy.No.197, Ac.1.39 gts., in Sy.No.198, Ac.2.23 gts., in Sy.No.199 and Ac.2.22 gts., in Sy.No.22, situated at Edulabad Village, Ghatkesar Mandal, Rangareddy District from 01.11.1973 till date. While so, respondent Nos.4 to 9 filed a petition before respondent No.2 for issuance of the Occupancy Rights Certificate without making the petitioners as parties. Accepting the request made the respondent No.2 passed orders vide proceedings No.J/4143/1993, dated 30.10.1993. After coming to know about the same, the petitioners questioned the said order before respondent No.3. After hearing the appeal filed under Section 24

of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, respondent No.3 remanded the matter back to the R.D.O., with the following observations.

“The suit lands are service inam lands attached to a mosque situated at Edulabad village and the orders of R.D.O. in file No.J/4148/1993, dated 30.10.1993 were set aside and the case was remanded to R.D.O. for de novo enquiry and to dispose in accordance with law duly giving an opportunity to the Secretary, Wakf Board also.”

The inaction of the Revenue Divisional Officer in not conducting de novo enquiry as ordered by respondent No.3 is subject matter of challenge in the writ petition.

The counsel for the petitioners submits that in spite of a positive direction given by the Joint Collector, the Revenue Divisional Officer failed to conduct de novo enquiry. No counter is filed opposing the same.

Having regard to the circumstances of the case, the writ petition is disposed of directing the Revenue Divisional Officer (respondent No.2) to conduct de novo enquiry as directed by respondent No.3 in Case No.F1/707/2009, dated 07.11.2009, if it is not already done, at the earliest, preferably within a period of twelve (12) weeks from the date of receipt of a copy of the order. It is needless to mention that the authorities shall issue notice to all the aggrieved persons and also to the Secretary of Wakf Board, as directed by respondent No.3 and pass orders in accordance with law. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

04.01.2016
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