

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.10633 of 2016

ORDER:

Heard Sri S.M. Subhani, learned counsel for the petitioner,
Sri Md. Saleem, learned Standing Counsel for the Dhone Municipality,
and Sri Arifullah, learned Standing Counsel for the A.P. State Wakf
Board.

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is prayed that this Honorable court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus, declaring the inaction of the respondents particularly Respondent No.3 to 5 for not initiating action against the encroachments and illegal constructions by the encroachers in Sy.No.264 extent Ac. 05.82 cents, Sy.No.275 extent Ac.15.25 cents, and in Sy.No.269/A, extent Ac.00.60 cents, property attached to Peerla Panja Ashoorkhana, Dhone, Kurnool district, inspite of the letter addressed by the 2nd respondent No.E8/1556.2/Dhone/2010 dated 29.2.2016 is being illegal, arbitrary, unconstitutional and violation of G.O.Ms.No.18 Minority Welfare (IDM) Department dated 13th October, 2014 and against the provisions of Wakf Act 1995 and rules made there under and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 11.01.2016 to the A.P. State Wakf Board and an endorsement was made therein by the competent authority of the Wakf Board requesting the concerned police authorities to take necessary action.

Sri S.M. Subhani, learned counsel, would point out that under G.O.Ms.No.18, Minorities Welfare (IDM) Department, dated 13.10.2014,

a District Wakf Protection Committee was also constituted for protecting wakf lands but despite the same, no action has been taken to control the illegal encroachments being made into the subject wakf property.

As the authorities concerned have already been apprised of the grievance put forth by the petitioner by way of its representations, this Court sees no reason to entertain this writ petition at this stage for adjudication on merits.

The writ petition is accordingly disposed of directing the respondent authorities to consider the petitioner's representations in relation to the alleged encroachments being made into the subject property and take appropriate action, if warranted, in accordance with law. The authorities would have to necessarily give due notice and opportunity of hearing to all parties who would be affected adversely by any decision taken upon the petitioner's representations. This exercise shall be completed expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

31st March, 2016

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