

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5064 of 2016

ORDER:

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

“The Hon’ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the issuance of proceeding in F.No.NI/WGL/2005 dated 19.09.2014 as is arbitrary, illegal, unjust in violation of Wakf Act, 1995 besides in violation of natural justice, in violation of Articles 21 and 300-A of the Constitution of India and set aside the same, consequently direct the Respondent No.2 consider the representation of the Petitioner Society dated 19.11.2014 permitting to establish petitioner’s educational institution over the property bearing H.No.2-5-475 situated at Choti Masjid, Subedari, Hanamkonda, Warangal and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. Sri Mirza Safiullah Baig, learned Standing Counsel for the Telangana Wakf Board, stated that insofar as the challenge to the proceedings dated 19.09.2014 is concerned, the same has become infructuous as the time allowed under the said proceedings for reconstruction was only six months but despite lapse of the stipulated time, the reconstruction could not be taken up.

3. As regards the second limb of the prayer, learned Standing Counsel stated that the representation dated 19.11.2014 was still pending consideration. As the challenge to the proceedings dated 19.09.2014 has worked itself out due to efflux of time and as the Wakf Board is yet to take appropriate action upon the petitioner’s representation, dated 19.11.2014, this Court is not inclined to

entertain this writ petition for the purpose of adjudication on merits.

4. The Writ Petition is accordingly disposed of directing the Telangana Wakf Board to consider the petitioner's representation dated 19.11.2014 and take appropriate action thereon in accordance with law. This exercise shall be completed expeditiously and in any event, not later than three weeks from the date of receipt of a copy of this order.

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

JUSTICE SANJAY KUMAR

March 28, 2016

LMV