

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35081 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the respondents 3 and 4 in interfering the possession and enjoyment of the petitioner's notified Wakf Institution known as 'QUBA MASJID AND MUSLIM BURIAL GROUND' situated in Survey Nos.230-A1 to an extent of Acs.0.49 cents, 230-C to an extent of Acs.0.52 cents, 246/2 to an extent of Acs.1.52 cents and 246/3 to an extent of Acs.0.57 cents totalling to an extent of Acs.3.10 cents at Rayadurg town, Anantapur District, and consequently to direct the respondents 3 and 4 not to interfere in the possession and enjoyment of the petitioner's notified Wakf Property.

Heard and perused the material.

Learned counsel for the petitioner submits that without therebeing any complaint is registered against the petitioner herein, the fourth respondent is interfering with the possession and enjoyment of the petitioner's notified Wakf Institution at the instigation of the third respondent and as such, he prays this Court to direct the fourth respondent not to interfere with the possession of the petitioner's notified Wakf Institution.

Learned Assistant Government Pleader for Home (Andhra Pradesh) submits that the fourth respondent is not interfering with the affairs of the petitioner's notified Wakf Institution and he will follow due process of law.

Considering the rival submissions made by both the counsel, the writ petition is disposed of with a direction to the fourth respondent not to interfere with the possession and enjoyment of the petitioner's notified Wakf Institution without therebeing any case registered against the

petitioner herein for any cognizable offence. The fourth respondent is further directed to follow due process of law laid down in Code of Criminal Procedure.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

10.11.2016
pln

