

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 9895 of 2012

ORDER:

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Heard Sri R.N.Hemandranath Reddy, learned counsel appearing for the petitioners, Government Pleader for Revenue and Sri Shafath Ahmed Khan, learned Standing Counsel appearing for Wakf Board.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the proceedings dated 29.02.2012 issued by the third respondent as arbitrary, illegal and without jurisdiction.

The petitioners herein claim to be the owners of land admeasuring Ac.1.12 cents situated in Sy.No.123/1 of Nellore Bit-I Village as they purchased the said property by virtue of sale deeds dated 14.05.2008 and 05.02.2011. It is stated in the affidavit that the ownership of the land traces out from the year 1884-85 onwards and there were number of transactions from the said date till date of filing of the writ petition. It is further stated in the additional affidavit that the Inams Deputy Tahsildar, Nellore issued ryotwari patta dated 08.05.1965 in Form No.VIII under Section 4 of the Andhra Pradesh (Abolition and conversion into Ryotwari) Act, 1956 read with Rule 7 of the Rules made under the said Act in favour of the maternal grand mother of the petitioners in respect of land admeasuring Ac.1.12 cents. Thus, it is stated that from the date of purchase, the petitioners are in possession of the property. While things stood thus, the third respondent is said to have written a letter to the Chief Executive Officer, Andhra

Pradesh State Wakf Board, Hyderabad, requesting him to issue ERRATA to the gazette notification by incorporating the lands held by the petitioner in Sy.No.123/1 as wakf lands. Challenging the same, the present writ petition is filed.

The learned Standing Counsel for the Wakf Board strenuously refutes the allegations made in the affidavit and also the transactions which are alleged to have been taken place from the year 1884 till date. He further submits that the present writ petition is premature as no action can be taken without conducting any enquiry as required under the provisions of Wakf Act, 1954.

A reading of the impugned order would show that it was a letter written by the District Wakf Officer, SPSR Nellore District, to the Chief Executive Officer, Andhra Pradesh State Wakf Board, Hyderabad. As stated by the learned counsel appearing for the Wakf Board the same would not by itself confer any authority on the Chief Executive Officer to issue ERRATA to the gazette notification without following the procedure contemplated under the provisions of the Wakf Act, 1954. That being the position and having regard to the representation made by the learned Standing Counsel for the Wakf Board that the ERRATA to the gazette notification cannot be given without following the provisions of the Wakf Act, 1954, the writ petition is disposed of directing the respondents to follow the due procedure established under the Wakf Act, 1954, if they intend to give ERRATA to the gazette notification. In such an event, personal hearing shall be given to the petitioners before carrying out the necessary changes.

No order as to costs. Consequently, miscellaneous

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

**JUSTICE C. PRAVEEN
KUMAR**

06.01.2016
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