

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.40813 of 2015

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Between:

1. Abdul Mateen and another

PETITIONERS

AND

1. The Union of India rep. by its Secretary, Ministry of Roads,
Surface Transport and High Ways, Parivarthan Bhavan, 1
Parliament Street, New Delhi, and others.

RESPONDENTS

ORDER:

Heard learned counsel for the petitioners, Sri S.S. Varma, learned Standing Counsel for the 2 to 4, Sri Farhan Azam Khan, learned Standing Counsel for the 5th respondent and learned Government Pleader for Revenue (A.P.) for 6th respondent.

The petitioners claim to be the members of the District Wakf Committee, Krishna District. They filed this writ petition on the allegation that the National Highway Authority of India, in the process of widening the road leading from Vijayawada to Chattishgarh, ventured to enter into the Wakf property, which is a graveyard, in an extent of Ac.4.70 cents situated in Sy.No.459/4 of Kondapally Village, Ibrahimpatnam Mandal, Krishna District, without issuing any proceedings under the Land Acquisition Act, 1894 and without following due process of law.

A counter affidavit has been filed on behalf of the 3rd respondent. In the counter affidavit it is categorically stated that respondents 1 and 3 are not interfering with the Wakf Property in any manner as alleged by the petitioners. If the land in question is required for public purpose, they shall follow the due procedure prescribed under the National Highways Act, 1956. In as much as this writ petition is filed on apprehension, there is no cause of action for the petitioners, and hence, they prayed to dismiss the writ petition.

In the light of the stand taken by the respondents there is no interference with subject Wakf property in an extent of Ac.4.70 cents situated in Sy.No.459/4 of Kondapalli Village, while reserving the right of the respondents to initiate proceedings and acquire the land if need arises, in accordance with law, the writ petition is disposed of.

As a sequel, pending miscellaneous petitions, if any, shall

stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

6th January, 2016
Js.