

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 18835 of 2016

ORDER:

Heard learned counsel for the petitioners, Sri Farhan Azam Khan, learned Standing counsel for Wakf Board and learned Government Pleader for Revenue.

With the consent of both parties, the writ petition is disposed of at the admission stage.

The present writ petition is filed under Article 226 of the Constitution of India, for the following relief:

‘To issue an appropriate writ, order or direction more particularly, one in the nature of writ of Mandamus directing respondents herein that not to dispossess the petitioners herein from their lawful ownership and possession to the total extent of Acs.6.35 guntas situated in Survey No.2 of Bhadi Village, Mandal Bela, Adilabad District and declare the action of respondents herein in making attempts to illegally evicting the petitioners from the above said land without following the due process of law and against the mandatory provisions of Wakf Act, 1995 and A.P (TA) Aboilition of Inams Act, 1955 and its Rules, 1975, through letter issued by respondent No.4 vide F.NO.03/EK-Sala/ADB/2016, dated 08.04.2016 requesting the Tahsildar, Bela to conduct an auction and leasing for Ek-sala cultivation of petitioners' above said land is illegal, arbitrary, violative of Articles 14, 21, 31-A, 300-A of the Constitution of India, and to pass any such other order orders as this Hon'ble Court may deem fit and proper in the circumstances of the case'.

A perusal of the material available on record would show that pursuant to an order dated 18.09.2003, the RDO, Adilabad, directed the mother of the petitioners to handover possession of the land in dispute, W.P.No.1526 of 2004 came to be filed before this Court.

By an order dated 13.01.2015, this Court disposed of the said writ petition with the following direction:

‘....the fourth respondent, before whom the appeal is pending, is directed to dispose of the same within a period of six months from the date of receipt of a copy of this order after observing the principles of natural justice, and in the meanwhile, the stay of dispossession, which has been continuing in the writ petition, shall continue till the disposal of the appeal by the fourth respondent’.

A perusal of the said order clearly indicate that the authorities were directed to dispose of the appeal within a period of six months after observing the principles of natural justice and in the meanwhile stay of dispossession shall continue till disposal of the appeal by the fourth respondent i.e., District Collector. While things stood thus, the impugned order came to be passed pursuant to a local auction conducted for leasing of the said land on Ek Sal basis.

Learned Standing Counsel submits that as on today, no steps are being taken to perform auction. However, he states across the Bar that no auction would be conducted till the disposal of the appeal as directed by this Court in W.P.No.1526 of 2004.

Recording the said submission, the writ petition is disposed of directing the authorities not to conduct any auction pursuant to the order dated 08.04.2016, passed by Chief Executive Officer, Telangana State Wakf Board, Hyderabad, till disposal of the appeal as per the order dated 13.01.2015.

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

JUSTICE C.PRAVEEN KUMAR

17.06.2016,

Note:

Issue CC in a week
B/o.
vhh