

THE HON'BLE SRI JUSTICE A.V. SSHA SAI

WRIT PETITION No.16364 of 2012

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue writ, order or directions more in the nature of Writ of Mandamus to declare the orders passed by 1st respondent in respect of all the petitioners herein in proceedings in F.No.5/PROT/ADB/2011/Z-III dated: 25.04.2012 ordering eviction of the petitioners from their respective extents of land in Survey No.166 of Bhainsa village, Adilabad District as illegal and Null and Void and Violative of Principles of Natural Justice and contrary to the provisions of Section 54(3) of Wakf Act and without jurisdiction and consequentially direct the 1st respondent to drop all further proceedings in this matter in the interest of Justice.”

Heard, Sri K. Manik Prabhu, learned counsel for the petitioners, Sri Mir Masood Khan, learned Standing Counsel for the respondents 1 and 2, learned Government Pleader for Revenue for respondents 3 and 4 and Sri S. Sharat Kumar, learned counsel for the 5th respondent.

When the matter is called, it is submitted by learned counsel for the petitioners and learned Standing Counsel for respondents 1 and 3 that the issue in the present Writ

Petition is squarely covered by the order of this Court in W.P.No.15661 of 2012, dated 13-10-2013 and a copy of the same is placed on record by learned counsel for the petitioners.

Following the above said order and for the reasons recorded therein, this Writ Petition is also allowed, setting aside the proceedings F.No.5/PROT/ADB/2011/Z-III, dated 25-04-2012 issued by the 1st respondent and the 1st respondent is directed to issue notice to the petitioners as well as the 5th respondent and after hearing all the parties, the 1st respondent shall pass a fresh order within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Office to annex copy of the order in W.P.No.15661 of 2012, dated 13-10-2013 with this order.

A.V. SESA SAI, J

October 27, 2016

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