

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.34088 of 2016

ORDER:

Petitioners challenge communication bearing F.No.R6/10/RENT/HYD/2016 dated 30.08.2016. The communication reads thus:

“Whereas the Waqf institution by name Masjid and attached property to Tipu Khan Waqf is registered and notified Waqf at Gazette No.32-A Dt:30-08-1984 page No.,27 at Sl.No.1780 situated at Nampally, Hyderabad.

M/ s. Venkatesh Hair Cutting is in occupation of Waqf Property bearing No.11-6-298 at Station Road, Nampally of the subject institution.

You are therefore directed to become tenant of Telangana State Waqf Board or vacate the said Waqf premises failing which necessary action will be initiated against you for eviction under the provision of Waqf Act, 1995.

You are also directed to pay up to date rent while approaching Board.”

2. Mr. M. A. Mujeeb, learned standing counsel for second respondent, submits that the communication challenged in the writ petition is more in the nature of a caution/warning up notice issued to petitioners and in the communication itself it is stated that for eviction second respondent will proceed in accordance with law.

3. Learned counsel for petitioners, however, disputes the submission of learned standing counsel and contends that the second respondent if treats the impugned communication as final and the explanation to be submitted by petitioners is not properly considered,

the further rights available to petitioners under the Wakf Act would also be adversely affected. Therefore, he requests the Court to direct second respondent to consider and dispose of the explanation in accordance with law.

4. I am satisfied the writ petition can be disposed of by this order.

1. Petitioners are given fifteen (15) days time from the date of receipt of a copy of this order to submit explanation to the communication impugned in the writ petition.
2. Petitioners are also given liberty to communicate the order of this Court while submitting explanation.
3. The second respondent, as submitted by learned standing counsel, will consider the explanation in its right perspective, examine the relevant facts and law and dispose of the same.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

October 17, 2016
DSK

S. V. BHATT, J