

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 19115 of 2016

ORDER:

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Heard learned counsel for the petitioners and Sri S.Arifulla, learned Standing Counsel for Wakf Board.

The present writ petition came to be filed with the following prayer:

“Issue a writ of mandamus declaring the action of the respondents 2 to 4 in interfering with the petitioners’ peaceful possession and enjoyment and forcibly trying to dispossess the petitioners from the land admeasuring Ac.2.70 cents in Sy.No.563 of Chinna Thumbalam Village, Pedda Kaddapur Mandal, Kurnool District, without following the procedure contemplated under Wakf Act, 1995, as illegal, arbitrary and violative of principles of natural justice; and consequently direct the respondents 2 to 4 not to interfere with the possession of the petitioner.”

At the time when the matter is taken up for hearing the learned Standing Counsel for Wakf Board raised an objection with regard to maintainability of the writ petition where there is an alternate remedy available under Wakf Act.

Learned counsel for the petitioners though pleads that he is willing to avail the remedy available but however seeks a direction to the respondents not to take any coercive steps till then.

Having regard to the facts and circumstances of the case and taking into consideration the facts in issue, the writ petition is

disposed of directing the petitioners to approach the Wakf Tribunal with regard to their rights over the land admeasuring Ac.2.70 cents in Sy.No.563 of Chinna Thumbalam Village, Pedda Kaddapur Mandal, Kurnool District and obtain appropriate orders from the Wakf Tribunal, in which event the Tribunal shall dispose of the same in accordance with law, as early as possible, uninfluenced by the observations, if any, made in this order. The petitioner is also at liberty to make an appropriate application seeking interim order, which shall be dealt with in accordance with law. Till the disposal of the interim application, the respondents shall not take any coercive steps with regard to property in dispute. No order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

05.07.2016

Note: Issue C.C. by Monday.

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