

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

-
WRIT PETITION No.9705 OF 2011
-

ORDER:

Heard the learned counsel for the petitioner, the learned counsel for the unofficial respondents and the learned Government Pleader for Revenue.

2. The present writ petition came to be filed seeking issuance of writ of *mandamus* declaring the inaction of the official respondents in protecting the graveyard admeasuring half acre in Sy.No.1 situated at Kurkuda village, Chivemla Mandal, Nalgonda District, as illegal and arbitrary, and consequently, to direct the official respondents to consider the representations made by the petitioner on 29.03.2011 and 30.03.2011.

3. The averments in the affidavit filed in support of the writ petition are as under:

The grave yard property described above was notified as wakf property and the same was published in the Gazette on 01.03.1990 at Sl.No.5977. When the unofficial respondents were levelling the land by interfering with the graveyard, with intent to make it into plots, the petitioner made a representation to the 1st respondent -District Collector to protect the grave yard. The issue was also brought to the notice of respondent No.5 i.e., Andhra Pradesh State Wakf Board. The Inspector Auditor forwarded a letter, dated 27.01.2011, to the Tahsildar, Chivemla Mandal, directing him to take steps to stop the cleaning work on the wakf land so as to protect the grave yard and take serious action against the persons responsible for the same. Inaction on the part

of the authorities lead to filing of the present writ petition.

4. A counter came to be filed by the 3rd respondent-Mandal Revenue Officer, disputing the averments in the affidavit filed in support of the writ petition. It is further stated that the said property is not wakf property and the boundaries mentioned in the Gazette notification do not tally with the boundaries existing. It is said that the land particulars mentioned in Gazette notification do not refer to the survey number.

5. However, respondent No.5 i.e., A.P. Wakf Board in its counter states that the said property is a wakf property as the same was published in Andhra Pradesh Gazette No.9-A, dated 02.03.1990 at Sl.No.15977.

6. The unofficial respondents, who got themselves impleaded as respondent Nos.7 and 8, filed their counter stating that they are in possession of the land in question since many years and the revenue records also show their possession over the property. It is further stated that Gurram Prathapa Reddy is the original owner of the property in dispute and the same was donated to his own daughter-in-law by name Gurram Vijaya Laxmi, who is their vendor, and her name was also mutated in the revenue records. It is further stated that now the lands are converted into residential plots.

7. Though various grounds are raised in the writ petition, learned counsel for the petitioner restricts her prayer seeking a direction to the Collector to dispose of the representation, dated 17.01.2011 made to the District Collector seeking protection of the

land, which is subject matter of the dispute in the present writ petition.

8. Without going into the merits of the case and having regard to the submission made by the learned counsel for the petitioner, the Writ Petition is disposed of directing the 1st respondent-District Collector, Nalgonda, to consider the representation, dated 17.01.2011, in accordance with law, at the earliest. It is needless to mention that the petitioner is also at liberty to make a suitable application to the Wakf Board, in which event, the same shall be dealt with in accordance with law after hearing all the aggrieved persons including the unofficial respondents herein.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

-

JUSTICE C. PRAVEEN KUMAR

Date:19.01.2016

INL