

THE HON'BLE SRI JUSTICE A.RAJASEKHAR REDDY

W.P.NO.23892 OF 2016

ORDER

The petitioners are five in number and claim to be hereditary mujawars of the wakf institution namely Dargah Hzst Syed Shaheed Habeebullah Hussaini (for short 'Dargah'), which is notified under gazette dated 3.10.2002. They filed this writ petition questioning the interference of respondents 5 to 10, who are revenue officials and elected representatives of Grampanchayat, in the day to day administration of Dargah.

The learned Assistant Government Pleader for Revenue based on written instructions of 5th respondent – Tahsildar Yedapally dated 24.8.2016, submitted that two groups are creating law and order problem at Dargah, which is causing inconvenience to pilgrims. The Sub Inspector, Yedpalli Police Station registered two cases in F.I.R.No.103/2016 dated 5.7.2016 under Section 160 of I.P.C. and F.I.R.No.104/2016 dated 6.7.2016 under Section 324 read with 34 IPC. Orders under Sections 133 and 145 of Cr.P.C. have also been passed with effect from 9.8.2016.

From the above submissions of the learned Assistant Government Pleader, based on written instructions of 5th respondent – Tahsildar, it could be seen that there are rival claims for performing the duties of Mujawars at the subject Dargah. As there is law and order problem, FIRs were registered and orders under Sections 133 and 145 of Cr.P.C. have been passed for maintaining public order and tranquility. These disputed questions of fact raised in the writ petition cannot be gone into by this court under writ jurisdiction and the writ petition is liable to be dismissed and accordingly dismissed. No costs.

However, it is needless to observe that the petitioners are always at liberty to avail alternative remedy.

Miscellaneous petitions pending if any, shall stand closed.

