

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.10676 OF 2006

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking to declare the action of the respondents in attempting to dispossess the petitioners from their lands i.e. lands admeasuring Ac.1-16 guntas in survey No.76, Acs.3-10 guntas in survey No.77, Ac.1-27 guntas in survey No.79, Acs.3-24 guntas in survey No.80 of the first petitioner, lands admeasuring Acs.4-16 guntas in survey No.76, Acs.3-00 guntas in survey No.77, Ac.1-27 guntas in survey no.79, Acs.3-24 guntas in survey No.80, Ac.1-27 guntas in survey No.79, Acs.3-24 guntas in survey No.80 of the second petitioner, lands admeasuring Acs.4-16 guntas in survey No.76, Acs.3-00 guntas in survey No.77, Ac.1-27 guntas in survey No.79, Acs.3-24 guntas in survey No.80 of the third petitioner, lands admeasuring Acs.4-15 guntas in survey No.76, Acs.3-00 guntas in survey No.77, Ac.1-27 guntas in survey No.79, Acs.3-24 guntas in survey No.80 of the fourth petitioner and lands admeasuring Acs.4-16 guntas in survey No.76, Acs.3-00 guntas in survey No.77, Ac.1-27 guntas in survey No.79 and Acs.3-24 guntas in survey No.80 of the fifth petitioner, situated at Sangvi Village, Kubeer Mandal, Adilabad District (hereinafter called as 'subject lands' for brevity), as illegal and arbitrary.

The case of the petitioners is that they are the owners of the subject lands. The names of the petitioners and their predecessors were recorded as possessors in all the revenue records continuously for the last more than 40 years and their names are

reflected in the revenue records. Petitioners were surprised to know that a letter bearing No.Wakf/Adb/9/87 dated 20.04.2006 was issued by the first respondent to the Mandal Revenue Officer, Bhainsa, directing him to deliver possession of various wakf lands to the Wakf Board team. Petitioners contend that the Wakf Board has not taken possession of alleged wakf lands in Lokeshwaram and Kubeer Mandals. Wakf Board was falsely claiming to have taken possession of the lands of the petitioners. Thus, apprehending dispossession, the present writ petition came to be filed by the petitioners.

The 4th respondent-Wakf Board filed a counter affidavit stating that the names of the predecessors of the petitioners were recorded in possessors' column in the revenue records as tenants but not as land owners. The petitioners admitted that the lands are inam lands and the names of Mohd.Maqdooom and Fatima Bee were recorded as inamdars in respect of subject lands. Hence, under the provisions of the Inams Abolition Act and The Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, Wakf Institution alone is entitled for grant of ROR certificates. As per Adangal for the year 2001-2002, the lands in survey Nos.76, 77, 79, 80 and 89 are inam lands attached to Jamia Masjid, Bhainsa, Adilabad District and it is also recorded that the lands are service inam lands i.e. Inam Kidmathi. Therefore, the contention of the petitioners that they are the owners of the lands and are in possession of the lands is illegal and unlawful.

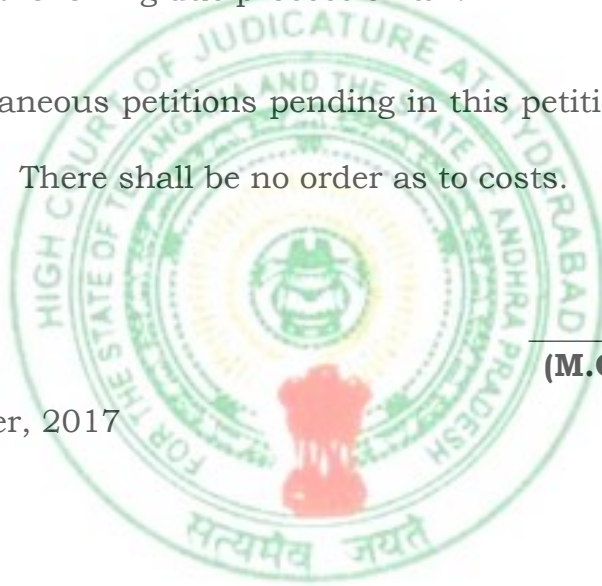
Heard both sides and perused the material on record.

It appears that the petitioners are in possession and enjoyment of the subject lands since long time. Even assuming that the subject lands belong to Wakf Board and the petitioners are in illegal occupation of the said lands, as contended in counter affidavit, petitioners, who are having long standing possession over the subject lands, cannot be evicted without following due process of law.

Hence, the Writ Petition is disposed of directing the respondents not to dispossess the petitioners from the subject lands without following due process of law.

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

15th December, 2017
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(M.GANGA RAO, J)