

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.25260 OF 2011

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue any appropriate Writ, Order or direction, preferably a Writ in the nature of Mandamus declaring the Proceedings No.F/3370/2011 dated 25.08.2011 issued by the 2nd respondent herein, in so far as petitioners’ property is concerned, namely land situated in Survey No.35, admeasuring Ac.1.22 guntas of Nalgonda proper, as being illegal, arbitrary, contrary to the provisions of A.P. Wakf Act and violative of Article 14 and 300-A of the Constitution of India, by setting aside the same.”

2. The main grievance of the petitioners is that respondent No.2 passed the order, dated 25.08.2011, without giving them any opportunity to submit their explanation.

3. Heard and perused the material available on record.

4. After perusal of the records and hearing the arguments, this Court is of the view that this Court cannot go into the merits of the case more particularly, regarding the ownership of the subject property to find out as to whether the said property is a Wakf property or not. It is evident from the impugned order that no opportunity was given to the petitioners to submit their explanation regarding their right over the subject property and the same was passed without there being any enquiry conducted by the authorities. Since the impugned order was passed without

there being any enquiry and without giving any opportunity to the petitioners to submit their explanation, the same is liable to be set aside.

5. Accordingly, the order, dated 25.08.2011, passed by respondent No.2 is hereby set aside. The authorities are directed to issue notice to the petitioners herein calling for explanation with regard to their right over the subject property and give an opportunity to submit their arguments along with all relevant documents to substantiate their claim over the said property. The authorities shall also hear all the parties concerned and pass appropriate orders afresh.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date: 07.09.2017
AMD



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