

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
and
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

WRIT PETITION No.35126 of 2016

ORDER: (per SK, J)

The Andhra Pradesh State Wakf Board filed this Writ Petition assailing the e-auction sale notice dated 06.09.2016 issued by the State Bank of India in relation to an extent of 400 sq.yards of land in Survey No.16 part and Survey No.18/1 part of Kadapa City.

The claim of the Wakf Board is that this land falls within the ambit of notified wakf property.

By order dated 20.10.2016, this Court directed the respondents in the Writ Petition to maintain status quo prevailing as on that date.

Sri M. Srikanth Reddy, learned counsel for the State Bank of India, would now inform us that no sale materialized pursuant to the auction notice dated 06.09.2016 for want of bidders.

Therefore, that part of the prayer in this Writ Petition ceases to survive for consideration. The claim of the Wakf Board is that the land mortgaged to the bank and proposed to be sold by

it partakes the character of wakf property. We are however of the opinion that this issue cannot be decided by this Court in a Writ Petition under Article 226 of the Constitution. Notably, the revenue authorities of the State have not even been made party to this Writ Petition.

Further, we are not informed as to the total extent of land mentioned in the Gazette notification in relation to the subject wakf property in Survey No.18/1. That being so, this Court cannot give any declaration as to whether the extent of 400 sq.yards which seems to have been mortgaged with the State Bank of India falls within the ambit of the subject notified wakf property. It is for the Wakf Board to seek appropriate remedies before the competent forum in this regard.

Leaving it open to the Wakf Board to do so, the Writ Petition is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

14th JUNE, 2017.

GUDISEVA SHYAM PRASAD, J

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