

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 11608 of 2017

Date :8.9.2017

Between :

Muslim United Front,
Rep by its President
Habeebur Rahman S/o Abdul Wajid
42 years
R/o 12-2 BRP Road, Vijayawada

Petitioner

And

The State of A P
Rep by its Principal Secretary
Revenue Department,
Secretariat, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

First petitioner is President of Muslim United Front and second petitioner is an individual. Petitioners challenge demarcating to demolish Poranki masjid, Bandar Road, Poranki, Penamaluru mandal, Krishna district which was stated to have been established in the year 1902 together with burial ground in Survey No. 373/10 known as 'Mohammadula Rudra Bhoomi', as illegal, contrary to Section 51 (C) of the Wakf Act, 1995 (for short the Act, 1995) and therefore same should be declared as illegal.

2. In the counter affidavit deposited by Tahsildar, filed on behalf of the respondent –State, Tahsildar states that land to an extent of 323.76 sq yards in R.S. No. 373/10 of Poranki village, Penamaluru mandal is classified as 'Rudrabhoomi' in RSR of village and said land is proposed for alienation in view of the request made by National Highways Authority of India (NHAI) and appropriate proposals are submitted to the District Collector, Krishna district. It is further averred that an extent of Ac.0.08 cents is being alienated out of Ac.0.22 cents in R.S. No. 373/10 and out of said Ac.0.22 cents land to an extent of Ac.0.02 is covered by Poranki masjid together with burial ground.

3. According to learned Assistant Government Pleader, it is only at the proposals stage as per the request of NHAI and due process would be followed before taking further steps in alienating the land.

4. Learned counsel representing petitioners brought to the notice of the Court, prohibition in provision in Section 51 (1A) (a) of the Act, 1995 and contends that in view of the said provision, acquisition shall not be in contravention of places of worship, therefore, place where masjid is located, cannot be acquired.

5. It is premature to go into this issue at this stage, in view of the statement made by the Tahsildar in his counter that matter is at the initial stage of sending proposals to the District Collector based on the request made by NHAI and Ac.0.08 cents of land is identified for the purpose of alienation. Petitioners may have grievance only in case masjid or burial ground is affected, at any rate, it is open to the petitioners to raise their objections, if so advised.

6. Accordingly, the writ petition is disposed of leaving it open to the petitioners to raise their objections in accordance with law, if a notification is issued. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE:8.9.2017
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P NAVEEN RAO,J



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