

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.6142 of 2017

ORDER :

The Civil Revision Petition is filed by the petitioner/plaintiff, aggrieved by the order dated 23.10.2013 in O.S.No.22 of 2013 passed by the Andhra Pradesh State Waqf Tribunal, Hyderabad.

2. Heard both sides.

3. There is nothing to admit and keep pending the revision against the findings of the trial Court are very clear about the declaratory relief of the notice is not valid is not sustainable; leave about the factum of after afflux of time of the lease period fixed by the contract of lease, no quit notice is even contemplated to issue as held by the Apex Court in Santi Devi v. Amal Kumar¹, leave about even a tenant continues after expiry of lease against the will of the landlord is a tenant by sufferance and in the eye of law no better to a trespasser but for to say any eviction of him by landlord is as per due process of law as held in H.P.C.L. v. Khwaja Asadullaiah Beigh² and that too, when the W.P.No.37486 of 2017 filed by the petitioner before this Court was disposed of at the stage of admission itself on 08.11.2017,

¹ AIR 1981 SC 1550

² 1996(2)ALD 2581(DB)

which is subsequent to the Wakf Tribunal's dismissal, which is the subject matter of the present revision, with observation that the respondent-Wakf Board and its authorities if at all to evict the petitioner shall follow the due process of law, by recording the same, the Civil Revision Petition is disposed of. Any other remedies are left open.

4. Consequently, miscellaneous petitions pending, if any, shall stand dismissed. No costs.

Date:15-11-2017
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Dr. B. SIVA SANKARA RAO, J

