

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Appeal No.957 of 2007

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred by the 2nd respondent in W.P. No. 15001 of 2007 aggrieved by the order passed by the learned Single Judge on 9.10.2007. Respondents 1 to 12 herein filed the said Writ Petition seeking a Writ of Certiorari to call for the records relating to the order passed in I.A. No. 803 of 2006 in O.S. No. 136 of 2006 on the file of the A.P. Wakf Tribunal, Hyderabad, and to quash the same as illegal and arbitrary.

The Wakf Tribunal had allowed the I.A. filed by the A.P. State Wakf Board and the appellant herein. In the said order, the Tribunal held that a *prima facie* case was made out; the balance of convenience was in favour of the appellant, and the A.P. State Wakf Board; there was a threat to the mosque and the Idgah, and also the agricultural operations being conducted by the petitioners; there was a threat of dispossession against them; and, if they were not granted interim injunction, they would be put to irreparable loss. Interim injunction as sought for, by the appellant and the A.P. State Wakf Board, was granted by the Wakf Tribunal.

On the said order being questioned in W.P. No. 15001 of 2007, the learned Single Judge, by his order dated 9.10.2017, set aside the order of injunction granted by the Wakf Tribunal. Aggrieved thereby, the appellant herein preferred the present appeal. A Division Bench of this Court, by its order in W.A.M.P. No. 1933 of 2008 in W.A. No. 957 of 2007 dated 21.11.2007, granted interim suspension of the order of the

learned Single Judge. Consequently, the order of injunction passed by the Wakf Tribunal continues to remain in force as on date.

It is wholly unnecessary for us to examine the rival contentions, on the merits of the order under appeal, since Sri M.V.S. Suresh Kumar, learned senior counsel appearing on behalf of respondents 1 to 12 herein (petitioners 1 to 12 in W.P. No. 15001 of 2007), would submit that, while the order under challenge in W.P. No. 15001 of 2007 was the interlocutory order passed by the Wakf Tribunal in I.A. No. 803 of 2006 in O.S. No. 136 of 2006 dated 11.6.2007, O.S. No. 136 of 2006 was itself finally heard; and the Wakf Tribunal has not pronounced orders, in O.S. No. 136 of 2006, in view of the pendency of the Writ Appeal before this Court.

As the present appeal before us arises out of an interlocutory order passed by the Wakf Tribunal, and as the main Suit in O.S. No. 136 of 2006 is said to have been finally heard, it would suffice if the appeal itself is directed to be disposed of, making it clear that the interim order passed earlier in the Writ Appeal on 21.11.2017 shall continue to remain in force till O.S. No. 136 of 2006 is finally disposed of. Both Sri P. Veera Reddy and Sri M.V.S. Suresh Kumar, learned Senior Counsel appearing on behalf of the appellants and the respondent-Writ Petitioners respectively, readily agree for such an order to be passed.

We consider it appropriate, therefore, to dispose of the appeal directing that the interim order of suspension, passed in W.A.M.P. No. 1933 of 2007 dated 21.11.2017, shall continue to remain in force till O.S. No.136 of 2006 is finally heard, and disposed of in accordance with law.

The Writ Appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

20th April, 2018
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Date:20.04.2018

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