

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.7568 OF 2018

ORDER:

1. The petitioner claims to be Mutawalli of Dargah Hazarath Shah Quli Bahadur (RH) Graveyard and Ashoorkhana (Asar-E-Shareef) Karwansahu, Tallagadda, Hyderabad. He states that he was appointed as Mutawalli on 16.12.2006. The said Durgah is a notified wakf property by Gazette No.20 dated 20.5.1976 and the total extent of the property is 21,804 square yards. It consists of Asoorkhana, Graveyard and residential portion.

2. It is the further case of the petitioner that Wakf Board is competent to control the said properties and the provisions of the Wakf Act are applicable to the said property, but the 3rd respondent has no power to interfere with the same.

3. The present Writ Petition is filed when a letter was issued by the 3rd respondent to the Station House Officer, Tappachabutra, Hyderabad, asking them to post Police picketing in order to avoid illegal encroachments and untoward incidents.

4. A reading of the letter addressed to the Station House Officer on 3.2.2018 reads as follows:

“I invite kind attention to the subject and references cited, wherein one Afzaluddin Farooqui, R/o.13-5-431/A/26, Tallagadda, Karwan, Hyderabad filed a complaint against the land grabbers, Syed Faheemuddin, Syed

Shakeel, Maiman Jaweed Mutawali Mohammed Moin encroaching the Graveyard land situated at Tallagadda, Karwan Road at premises No.12-2-397 to 413.

Vide reference 3rd cited, on 2-2-2018, MRI along with VRO visited the site and found that a compound of bearing H.No.12-2-397 to 413, in the name of Ibrahim Shareef was demolished lying side on the road with an intention to encroach the Graveyard Land situated at Tallagadda, Karwan Road.

Therefore, I kindly request you to post Police picketing at the subject land to avoid illegal encroachments and untoward incidents.”

5. A reading of the impugned letter makes it clear that in view of the demolition of the compound wall and in view of the intention to encroach the graveyard land, the 3rd respondent issued such a letter and he is competent.

6. Learned Government Pleader further, on the basis of the written instructions, submitted that the said graveyard is a Government graveyard land situated in TS No.6, Block-A, Ward-26 of Kulsumpura village and Asifnagar Mandal. When there was illegal occupation of Government graveyard land, notices were issued under Land Encroachment Act, 1905 and the petitioner also filed O.S.No.130/2010 before the Andhra Pradesh State Wakf Tribunal. Some encroachers filed W.P.Nos.6002/2009 and 7190 of 2011 before this Court. Two ladies also filed WP.Nos.20638 of 2009 and 29886 of 2010 and the same are pending.

7. In the circumstances, this Court is not inclined to interfere with the said letter.

8. Writ Petition is accordingly, dismissed.

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

A. RAMALINGESWARA RAO,J

Date: 8.3.2018

KPM

