

***THE HON'BLE SRI JUSTICE P. NAVEEN RAO***

**WRIT PETITION No.9894 OF 2018**

Dated:27.03.2018

Between:

Mohammad Abbas @ Mohammad Khaja Abbas,  
S/o. Late Mohammad Hayath, aged 84 years,  
Occ: Agriculture, R/o.H.No.6-54, Kaalakunta  
Colony, Prashanth Nagar, Siddipet, Medak  
District, Telangana State and others .. Petitioners

And

The State of Telangana, rep., by its  
Principal Secretary to Revenue Department,  
Secretariat Buildings, Hyderabad and others .. Respondents



**The Court made the following:**

**THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

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**ORDER:**

Heard learned counsel for the petitioners, learned Government Pleader for Revenue appearing for respondents 1 to 5 and Sri Farhan Azam Khan, learned Standing Counsel appearing for the Wakf Board.

2. This Writ Petition is filed challenging the order of Tahsildar, Siddipet (Urban) Mandal, dated 28.02.2018. By this order, the Tahsildar rejected the request of the petitioners for mutation of their names in the revenue records concerning the land to an extent of Acs.17.06 guntas in Survey Nos.1091, 1092 and 1094 of Mittapally Village, Siddipet Urban Mandal and District. The order of the Tahsildar refers to Gazette Publication, dated 15.11.2001, showing the property, against which mutation application was filed, as Wakf property and therefore mutation as requested by the petitioners cannot be accepted.

3. Learned counsel for the petitioners fairly submits that against the Gazette No.46-A, dated 15.11.2001, petitioners filed W.P.No.8137 of 2017 and the same is pending consideration.

4. Once the property is shown in Gazette as Wakf property, *prima facie* the title vests in the Wakf Board and aggrieved party has to avail appropriate remedy. The issue of notifying the property as Wakf property is now pending consideration before this Court in W.P.No.8137 of 2017.

5. Since the property is already gazetted as wakf property, I do not see any illegality in the decision of the Tahsildar in rejecting the request of the petitioners for mutation of their names in the revenue records.

6. The Writ Petition is accordingly dismissed leaving it open to the petitioners to work out their grievance against inclusion of property as Wakf property. There shall be no order as to costs.

Miscellaneous Petitions, if any, filed in this Writ Petition shall stand closed.

Date:27.03.2018

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***P. NAVEEN RAO, J***