

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.13917 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief/s:

“... to issue a writ of Mandamus or any other appropriate writ directing the 2nd and 3rd respondents give protection and security to the petitioner and his men from the respondents 5 to 8 from interfering in performing and functioning of the rituals at the Dargah Hazarath Janpad Shaheed – Janpahad Village, Palakveedu Mandal, Suryapet Dist. and grant such other relief as it deem fit in the circumstances of the case.”

Learned counsel for the petitioner would submit as follows: - ‘In WP.No.35143 of 2017 filed by one Sk.Fareed and others, this Court, on 04.01.2018, in WPMP.No.43663 of 2017, passed an interim order, *inter alia*, ordering that the 3rd respondent therein, that is, N.V. Subba Rao, cannot be permitted to perform certain services, viz., Chirag Batti; Oodi; Fateha; Taveez and Potula Zuba; Nimbu and Nariyal Bandish; Sandal & Flower; and, Vehicle Fateha(Pooja), he being a non-Muslim. Pursuant thereto, the Chief Executive Officer [‘C.E.O’, for short] of the Telangana State Waqf Board, by his memo, dated 21.02.2018, temporarily entrusted the afore-said services to the petitioner; and, therefore, the petitioner is entitled to perform the said services. When the petitioner is trying to perform the afore-said services, respondents 5 to 8, who are having no manner of right, are interfering with the performance of services by the petitioner. Despite the petitioner

approaching the police officers for protection and security, the police officers are not giving protection and security to the petitioner and his men from the respondents 5 to 8. Hence, the writ petition is filed.'

Learned Standing Counsel for Telangana State Waqf Board would submit that the C.E.O issued the proceedings, dated 21.02.2018, to the petitioner for performing the offerings/services as stated by the petitioner is true; that the District Collector, Suryapet, also addressed a letter, dated 19.01.2018, to the Superintendent of Police, Suraypet, to take action against the 5th respondent and his family members for certain acts which they are performing without the permission of the Waqf Board and for their such acts which are contrary to the orders of this Court.; that since annual services are to be performed and officers of the Waqf Board are facing law and order problem, necessary directions may be given to the petitioner as well as the police officer/s concerned in view of the letter addressed by the C.E.O of the Waqf Board to the District Collector, Surypaet, by marking a copy of the same to the police officers concerned.

Learned counsel for the petitioner also brought to the notice of the Court the afore-said letter of the Chief Executive Officer, 'Telangana State Waqf Board, dated 11.01.2018, addressed to the District Collector, Suryapet.

Learned Government Pleader for Home (TG) submits that if the Waqf Board issues any proceedings to the police officer/s concerned; and, if the petitioner approaches them with appropriate representation,

suitable action would be taken having regard to the facts & circumstances.

In reply, learned counsel for the petitioner would submit that since the earlier representation given by the petitioner is not a detailed representation, liberty may be reserved to the petitioner to submit a detailed representation, with supporting documents, to the Station House Officer, Palakaveedu Police Station/3rd respondent.

Recording the submissions, the Writ Petition is disposed of reserving liberty to the petitioner to submit, within a week from the date of receipt of a copy of this order, a detailed representation, with all supporting documents, to the 3rd respondent. In the event the petitioner submits such representation, the said officer, if necessary, shall give an opportunity of hearing to the unofficial respondents and shall consider and dispose of the representation of the petitioner within a week on receipt of such representation, however, in strict accordance with the procedure.

There shall be no order as to costs.

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

M.SEETHARAMA MURTI, J

20.04.2018
Vjl