

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.346 OF 2017

JUDGMENT: (Per the Hon'ble Sri Justice Ramesh Ranganathan)

This Appeal is filed, under Clause 15 of the Letters Patent, against the order passed by the learned Single Judge in W.P.No.40516 of 2014 dated 31.10.2016.

The first respondent herein filed the writ petition seeking a mandamus to declare the proceedings of the District Revenue Officer, Ongole dated 12.03.2008 as illegal, arbitrary, unjust and without jurisdiction. In his proceedings dated 12.03.2008, the District Revenue Officer, after referring to an extent of Acs.4200.87 of inam lands in Prakasam District having been endowed to charitable and religious institutions for its maintenance, directed all Tahsildars not to entertain inam abolition proposals in respect of wakf lands and any applications, from mutawallies/mujawars or unconcerned persons, for issuance of pattadar passbooks. The District Registrar was requested to issue suitable instructions, to all sub-registrars in the District, directing them not to entertain any sale or purchase transactions for registration of wakf property in the name of individuals as any devolution would lead to legal complications, if the Hon'ble Supreme Court orders and Wakf Act, Rules and Regulations, were violated.

The case of the first respondent-writ petitioner is that an extent of 0.05 cents of land, purchased by him, was the subject matter of O.S.No.10 of 1997 filed by the A.P.State Wakf Board against their vendors seeking recovery of possession. On the

said Suit being dismissed, the A.P.State Wakf Board had preferred an Appeal which is still pending; and the Judgment and decree in O.S.No.10 of 1997 dated 24.11.2000 is still in force.

After the suit filed by the A.P.State Wakf Board against the first respondent-writ petitioner's vendors, in O.S.No.10 of 1997, was dismissed, and on his jurisdiction being invoked questioning the validity of the circular dated 12.03.2008, the learned Single Judge, had, in the order under Appeal, observed that registrations were being entertained in regard to the subject land from the year 1953 onwards; the impugned circular dated 12.03.2008 was issued by the District Revenue Officer and the District Wakf Officer, which could not be acted upon in the light of the ratio of the Full Bench of this Court in **Vinjamuri Rajagopalachary v State of Andhra Pradesh**¹; the Wakf Board had lost the Suit, and no interim order was granted in the Appeal; and in view of these facts the impugned circular dated 12.03.2008, issued by the District Revenue Officer, was being set aside.

Sri K.Ramakanth Reddy, learned standing counsel for the A.P.State Wakf Board, would submit that, since the claim of the first respondent-writ petitioner related only to an extent of 800 square yards (approximately 0.05 cents), the circular dated 12.03.2008 could only have been interdicted with respect to this extent of land, and not for the remaining extent of land of nearly Acs.4200.87 as referred to in the circular dated 12.03.2008.

¹ 2016 (1) ALT 550

While we may not be understood to have upheld the circular dated 12.03.2008, with respect to the remaining extent, it is evident that the dispute in the writ petition, filed by the first respondent-writ petitioner herein, is confined only to an extent of 800 square yards of land (0.05 cents); and the order of the learned Single Judge, interdicting the said circular dated 12.03.2008, must be read in the light of the relief sought for in the Writ Petition, which relates to an extent of 800 square yards of land alone in terms of the sale deed dated 20.11.2010. Suffice it, therefore, to clarify that the order of the learned Single Judge, interfering with the circular dated 12.03.2008, shall be confined only to the extent of 800 square yards of land claimed by the first respondent-writ petitioner through sale deed dated 20.11.2010, and not for the entire extent of land referred to in the circular dated 12.03.2008.

The order of the learned Single Judge dated 31.10.2016, in W.P.No.40516 of 2014, is, **modified**, and the Writ Appeal is accordingly disposed of. Miscellaneous petitions pending, if any, shall stand closed. No costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

RAMESH RANGANATHAN, J

18.07.2018
Pln/vs