

HON'BLE SRI JUSTICE S.V. BHATT

W.P. Nos.25552 AND 25671 OF 2018

COMMON ORDER:

Heard Mr.Abdul Muqeeth Qureshi for petitioners.

The case of petitioners is that they obtained respective shops on lease in the premises of Dargah Hazrath Sultan Shaeed (Rh) Edgah and Mosque situated at Atmakur, SPSR Nellore District and paid rent up to 2015. Thereafter, a new managing committee of Dargah is constituted and the committee is refusing to receive the rents from the petitioners. The 2nd respondent issued notice dated 26.11.2015 under Section 54(1) of the Waqf Act, 1995 calling upon the petitioners to show cause as to why an order requiring to remove encroachment should not be made against the petitioners. The petitioners gave explanation, but no enquiry is initiated or orders are passed. In the meantime, respondent No.2 vide letter dated 22.03.2018 informed the 3rd respondent that some illegal encroachers are creating obstructions for development of Edgah and requested to vacate the encroachers from Edgah. Therefore, respondents 2 and 3 are trying to dispossess the petitioners from the subject matter of writ petitions.

I have perused the record. Having regard to the facts and circumstances of the case and also note dated 02.06.2018 submitted to the District Collector, SPSR Nellore District by the Inspector Auditor Waqfs, SPSR Nellore District, this Court is of the view that the writ petitions are devoid of merit and liable to be dismissed.

The writ petitions are dismissed. No order as to costs.

After the order is dictated, Mr. Qureshi, counsel for petitioners seeks liberty to go before the Tribunal. Independent right is claimed by petitioners, the dismissal of the writ petitions ought not to be understood as this Court curtailing the right of petitioners to move the Tribunal or Court of jurisdiction.

Miscellaneous petitions pending, if any, shall stand closed.

S.V. BHATT, J

Date: 25.07.2018
Sp

