

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31540 of 2018

ORDER:

1) Heard learned counsel for the petitioner, Government Pleader for Revenue (AP) and Sri Ramana, for Sri Sk.Mahamood, learned Standing Counsel for Andhra Pradesh State Wakf Board.

2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 2nd respondent in not receiving and registering the documents sought to be presented by the petitioner in respect of plots bearing No.55 and 56 to an extent of Ac.10.48 cents in Sy.No.142 of Joharapuram, 69th ward of Kurnool Municipal Corporation, in favour of third parties, as illegal and arbitrary.

3) Learned counsel for the petitioner submits that the issue involved is covered by the orders in w.P.M.P.No.39818 of 2016 in W.P.No.32198 of 2018, but however the learned Standing Counsel for the Wakf Board would submit that the subject property is a wakf property, as such the question of registration does not arise. But at the same time there is no material as to whether any communication was sent to the Joint Registrar, Stamps and Registration, stating that the subject property is classified as wakf property.

4) Today, the learned Standing Counsel for the Wakf Board placed on record the communication issued by Chief Executive

Officer, Andhra Pradesh State Wakf Board, Vijayawada, to the Commissioner and Inspector General of Registration and Stamps Department, Andhra Pradesh, wherein, this property was shown as Wakf property.

5) At this stage, learned counsel for the petitioner would submit that he intends to present the document and a direction may be issued to the concerned to pass order by giving reasons, in which event, liberty may be given to him to avail the remedies available under law.

6) Having regard to the above, the writ petition is disposed of, giving liberty to the petitioner to present the document before the 2nd respondent, in which event, the 2nd respondent shall pass order in accordance with law taking into consideration the communication of the Chief Executive officer, Andhra Pradesh State Wakf Board, Vijayawada, dated 16.11.2016.

7) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

12.09.2018
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