

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.47265 OF 2018

Date: 28.12.2018

Between:

K.Maddamma w/o K.Adishesulu, Aged about 61 years,
r/o. 2-103-1, Stantanpuram village, Kurnool Mandal
and district and two others.

.....Petitioners

and

The State of Andhra Pradesh, rep.by its Prl.Secretary,
Revenue Department, Secretariat, Velagapudi,
Amaravathi, Guntur district and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.47265 OF 2018

ORDER:

Petitioners claim to be the owners of land to an extent of Ac.21.79 cents in Sy.Nos.356/1, 356/2 and 356/3 of Kallur village in Kurnool district. Petitioners allege that Tahsildar of Kallur Mandal and the authorities of A.P.State Wakf Board are threatening to interfere with the peaceful possession and enjoyment of the petitioners in respect of subject property and to hand over the possession to Wakf Board without any authority. Petitioners seek declaration that respondents 2 and 3 cannot threaten to dispossess the petitioners from their lawful possession without issuing notice and without following due process of law. In other words, petitioners are claiming title to the property in issue and that claim of Wakf Board that the said property is Wakf property is illegal. If that being so, petitioners have an effective and efficacious remedy before the A.P. Wakf Tribunal constituted under Section 83 of the Wakf Act, 1995. As Wakf Board is headed by the Judicial Officer vested with all powers as available to the civil Court, Court is not inclined to entertain the writ petition. More so, there are disputed questions of fact which cannot be gone into in writ proceedings. Granting liberty to the petitioners to avail remedy as available under Section 83 of the Wakf Act, 1995, Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 28.12.2018
kkm

HONOURABLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION NO.47265 OF 2018

Date: 28.12.2018

kkm