THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.3895 OF 2019

O R D E R :

Heard counsel for the petitioners, the Government Pleader for Revenue appearing for respondents 1 & 2, and Sri M.A.Mujeeb, Standing Counsel appearing for 3rd respondent-Wakf Board.

2. This Writ Petition has been filed challenging the order dt.14.02.2019 of the 2nd respondent in refusing to register the document presented by the petitioners for registration on the basis that the property, which is subject matter of the document, is covered by a list of Wakf properties contained in a Gazette Notification No.6A dt.09.02.1989.

3. Admittedly, the said notification has been held to be a notification issued without complying with the provisions of the Wakf Act, 1954 by this Court in ***B.Gowra Reddy v. Government of Andhra Pradesh***[1].

4. Therefore, the said notification has no legal validity and cannot be a basis for refusing to receive the document presented by the petitioner treating the property, which was subject matter of the said document, to be wakf property.

5. Accordingly, the order dt.14.02.2019 passed by the 2nd respondent is set aside and the 2nd respondent is directed to

[1] AIR 2002 AP 313

receive the document presented by the petitioners for the purpose of registration, if it is otherwise in compliance with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899 and register the document and release it to the petitioners.

6. With the above directions, this Writ Petition is disposed of. No order as to costs.

7. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

26th September, 2019.

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