

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.5345 OF 2019

Date: 15.03.2018

Between:

Mohd. Sajjad, S/o Late Mohd Farooq Ali, aged 47 years,
Occu: Business, R/o H.No.16-7-76, Dabilpura, Hyderabad,
Telangana State.

....Petitioner

and

The State of Telangana, rep. by its Principal Secretary,
General Administration Department, Secretariat Buildings,
Hyderabad ,Telangana State and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims to be devotee of Hazarat Fuje Shah ali Baba Dargah situated at Door No.5-1-1056, besides Golden Press, Gowliguda, Hyderabad, belongs to Sunny Community. According to petitioner, originally Shah Nawaz Khan was the Mutawalli of said Dargah. Said Mutawalli along with others started construction without permission of the Wakf Board. Both of them quarrelled with reference to investment made towards illegal construction. Having regard to the dispute, 3rd respondent sealed and locked the Dargah gate about 3½ years back. By virtue of locks put on to Dargah, petitioner and other Muslims are unable to perform prayers in the said Dargah. On 04.02.2019, legal notice was issued on behalf of petitioner stating that by closing the Dargah, Muslim people are unable to perform the prayers and he is ready to take Dargah on lease and he will look after the maintenance of Dargah and perform annual prayers. Alleging no decision is made on the legal notice issued by petitioner, this writ petition is filed.

2. Learned standing counsel points out that Waqf Properties Lease Rules, 2014 were notified vide Notification No.G.S.R.380(E), Ministry of Minority Affairs, dated 03.06.2014 (Rules, 2014). Rule 3 of the Rules, 2014, prohibits grant of lease of Dargah. He therefore submits that prayer made by the petitioner in the legal notice is barred by the restriction imposed in the Rules and, therefore, cannot be granted.

3. Merely because a person makes a representation/issues legal notice, and no decision is made on such representation/legal

notice, writ need not be issued when such claim is not valid in law. Thus, when there is a clear bar to grant lease of Dargah in Rules 2014, and the prayer in the legal notice is barred by said prohibition, no relief as sought for can be granted. Writ Petition is accordingly dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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