

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.5952 OF 2019

Date: 22.03.2019

Between:

Sri Fazil Ibrahim Khan s/o. Mohd. Shamrooz Khan,
Aged about 44 years, occu: Business, r/o.16-2-451,
Paltan, Kalakpet Colony, Hyderabad.

.....Petitioner

and

The State of Telangana, rep.by its Prl.Secretary to
Government, Minorities Welfare Department,
T.S. Secretariat at Hyderabad and two others.

.....Respondents



The Court made the following:

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ORDER:

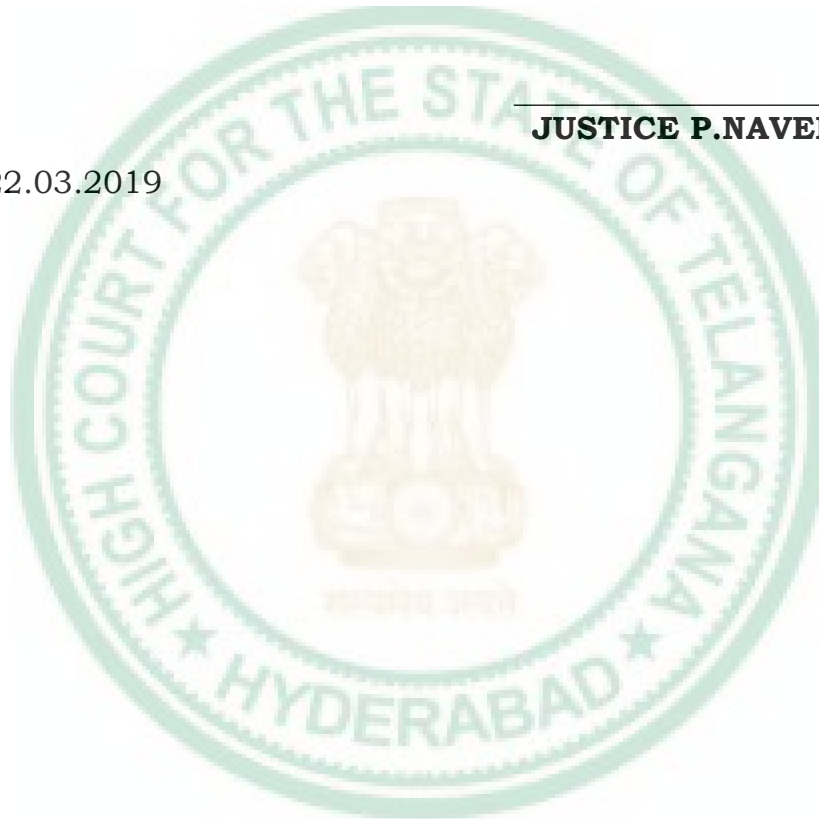
Petitioner is a resident of Malakpet Colony, Hyderabad and seems to have obtained lease of private shop to carryout his livelihood. Petitioner claims that he is Mussali of the subject wakf institution. Petitioner is agitated by the alleged illegal construction activity going on in the subject premises as there is no building permission and is against the interest of wakf institution. On 13.03.2019, petitioner claimed to have made a complaint to the Chairman/CEO Wakf Board, requesting to ensure necessary construction permission is taken from the competent authorities, or otherwise immediate steps be taken to stop the construction. The limited grievance ventilated by the petitioner in the said representation was that there appears no permission obtained and permission should be obtained in the larger interest of the wakf institution. This Writ Petition is filed immediately thereafter alleging illegal and unauthorized construction by the 4th respondent in open land, and alleges that even though representations were received, no action is taken by the respondent Wakf Board.

3. As can be seen from the photographs enclosed, the construction activity is in full swing and already slabs were laid for three floors. It cannot be said that no permission is obtained from the wakf Board before undertaking construction. Even according to the learned counsel for petitioner, the construction activity is taken up by the 4th respondent, who is Muthawalli of the subject institution, is not a private construction and even in the

representation made by the petitioner on 13.03.2019, he only complained on not obtaining building permission, and no other allegations are made. Based on the said representation, no relief can be granted to stop the construction of building by the wakf institution. However, it is needless to observe that Wakf Institution shall strictly follow the building norms and shall undertake construction in accordance with the building permission, if already granted. Writ Petition is accordingly dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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