

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10627 OF 2019

DATED :29.05.2019

Between :

M. Sanjeev Kumar, S/o.M. Ramesh Goud,
Aged about 34 yrs, R/o.8-1-298/C/A/82,
Dwaraka Nagar Colony, Shaikpet,
Hyderabad – 500008 & another.

..

Petitioners

And

Telangana State Wakf Board,
Razzak Manzil, Opp. Public Gardens
Nampally, Hyderabad,
Rep., by its Executive Officer & another

..

Respondents



This court made the following :

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10627 OF 2019

ORDER :

Petitioners were granted building permissions on 14.03.2019 and 19.02.2019 respectively. On 04.05.2019, the State Wakf Board addressed letter to the Commissioner, Greater Hyderabad Municipal Corporation (GHMC) stating that the subject property is the Wakf property and that the persons in whose favour building permissions were granted are not entitled to undertake construction and requests the GHMC to cancel the building permissions granted. This letter is under challenge in this writ petition.

2. Heard learned counsel for petitioners and learned Standing Counsel for the State Wakf Board.

3. Though, learned counsel for the petitioners sought to contend that the subject property is not wakf property and that there is earlier direction issued by this Court, but the same is not followed and the letter goes to show that the property is the wakf property and the petitioners are in illegal occupation and the same is not maintainable, the Court is not inclined to go into this issue at this stage.

4. Any person who objects to granting building permission can file objections. In such a case, the GHMC is required to follow due procedure. Section 450 of the Greater Hyderabad Municipal Corporation Act (for short 'the GHMC Act'), envisages procedure to cancel building permission.

5. Having regard to the provision in Section 450 of the GHMC Act, the Commissioner, GHMC-2nd respondent is directed to follow the due procedure under Section 450 of the GHMC Act, if the GHMC is *prima-facie* convinced with the grievance expressed by the State Wakf Board. However, this order does not come in the way of the State Wakf Board working out its remedies as available in law, if it claims that the subject property is wakf property.

6. With the above direction, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

29th May, 2019
Rds

P.NAVEEN RAO,J

