

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.10781 OF 2019

Dated 11th June 2019

Between:

1. Smt. Nilofer Begum, W/o. Shaik Abdul Khadar and one other.

...Petitioners

And

1. The State of Telangana rep.by its Principal Secretary, Municipal Administration Department, Secretariat, Hyderabad and two others.

...Respondents

The Court made the following:



THE HON'BLE SRI JUSTICE P.NAVEEN RAOWRIT PETITION NO.10781 OF 2019**ORDER:**

Heard learned counsel for the petitioners and learned Government Pleader for Municipal Administration and Urban Development for R-1 and Sri N.Praveen Kumar, learned Standing Counsel for R-2 and R-3.

2. Petitioners claim that they were running a small shop in Survey No.365 of Thumkunta Village, Shamirpet Mandal, which has now become municipality. Petitioners admit that the land belongs to Masjid called as Masjid-E-Dawooda. Petitioners claim that they were granted license bearing No.GPT/61-2016-17 from Thumkunta Village Gram Panchayat and the shop is called as Madina Chicken Centre. The license is valid for three years and license fee was paid. Petitioners allege that respondents 2 and 3 came to the shop of the petitioners on 30.05.2019 and tried to demolish the shop without following due process and threatened that if the petitioners did not give money to the respondents, they would demolish the shop of the petitioners.

3. As the averments of the affidavit and the material placed before the Court disclose that the property is a Wakf property and as the Wakf institution is not impleaded as respondent, this Court directed printing of the name of the learned Standing Counsel for Wakf Board to *prima facie* ascertain whether valid license is granted to the petitioners or not.

4. According to the learned Standing Counsel, the subject property is a burial ground and no license can be granted to any person to run a commercial activity on burial ground and that no

license is granted to the petitioners to establish a chicken centre as claimed.

5. Based on this assertion of the learned Standing Counsel, the petitioners were asked to place before this Court the license granted by the Wakf institution to establish that they can run chicken centre as claimed by them. In response, counsel for the petitioners fairly submits that no license was granted in writing to the petitioners but orally they were permitted to run chicken shop.

6. Since the subject land is a Wakf property and apparently, a burial ground, and as no license is granted, *prima facie*, the petitioners cannot claim to run a chicken shop when the property belongs to the Wakf institution and allege that the authorities of the municipality are trying to remove the structures. Since no material is placed on record that they have validly obtained license from the municipality to run chicken shop, the petitioners cannot run unauthorised chicken centre and level allegations against the authorities of the municipality that they are illegally removing the structures. Hence, no relief as sought for can be granted. However, this order does not come in the way of the petitioners applying to Wakf institution to grant license and consideration of such application for grant of license by Wakf institution by following due process to award licenses to Wakf properties.

7. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(P.NAVEEN RAO, J)

11th June 2019
RRB