

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.10969 of 2018

ORDER:

The prayer of the petitioners in this case reads as under:

‘For the reasons stated in the accompanying affidavit, it is hereby prayed that the Hon’ble Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing present impugned proceedings vide Lr.No.G2/6681/2017, dt. 22-11-2017 without considering “Errata Gazette Notification”, Telangana State, dt. 13-07-2017 as being illegal, arbitrary and also violative of Art. 300-A of the Constitution of India and consequently direct the respondents to delete the property of the petitioner situated in Sy.No.34/A in an extent of Ac.1.00 cents, Bhongiri Village and Mandal, Yadadri Bhuvanagiri District, Telangna State from the list of prohibited properties for registration by considering the same “Errata Gazette Notification”, Telangana State”, dt.13-07-2017 and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.’

It appears that Gazette Notification dated 01.03.1990 was issued notifying various properties in Yadadri-Bhongir District as wakf properties. Item No.10 therein comprised Survey Nos.424, 425, 8, 11, 2, 34, 9, 10 etc. in Bhongir Village. However, the proforma for survey of wakf properties which formed the basis of the aforestated notification furnished the details of the wakf properties in Survey Nos.424, 425, 8, 11, 2, 3, 4, 9, 10 etc.

It is therefore clear that mentioning of Survey No.34 of Bhongir Village was a mistake. The Wakf Board itself seems to have realized this error and brought it to the notice of the State whereupon Errata Gazatte Notification dated 13.07.2017 was issued indicating that Survey No.34 which had been notified earlier should be read as Survey Nos.3 and 4 separately. In spite of the same, it appears that the registration authorities are continuing to treat the land in Survey No.34 of Bhongir Village as wakf property.

This is brought out by the impugned letter dated 22.11.2017 addressed by the Commissioner and Inspector General of Registration and Stamps, Telangana, to the third petitioner, whereby he advised her to approach the Chief Executive Officer of the Wakf Board to get a communication addressed to his office in relation to Survey No.34 of Bhongir Village. This communication is challenged on the ground that in the light of the Errata Gazette Notification dated 13.07.2017, nothing further requires to be done in relation to the land in Survey No.34 of Bhongir Village in so far as the Wakf Board is concerned.

The writ petition is accordingly allowed setting aside the impugned letter dated 22.11.2017. In consequence, the land of the petitioners in Survey No.34 of Bhongir Village shall not be treated as a wakf property and any entry of the said survey number in a list of prohibited properties shall be deleted forthwith. The registration authorities shall entertain any document presented by the petitioners for registration in relation to the land in Survey No.34 of Bhongir Village keeping in mind the Errata Gazette Notification dated 13.07.2017. In the event the document presented is otherwise found to be in order and in compliance with the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, the registration formalities shall be completed and the document shall be released as per the due procedure.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:13.06.2019
PGS