

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.14479 of 2019

ORDER:

This writ petition is filed challenging the notification published in Andhra Pradesh Gazette No.46-A dated 14.11.2002 at serial No.25625, 25626 at page No.31 in respect of petitioner's land in Sy.No.891/A to the extent of Ac.01-11 guntas and Sy.No.891/AA to the extent of Ac.01-11 guntas situated at Pitlam Village and Mandal, Banswada Taluka of Nizamabad District (New Kamareddy District) in the State of Telangana as Wakf lands under Repealed Wakf Act, 1954 without conducting survey and notice to the occupants.

Learned counsel for the petitioners submits that the impugned notification is issued under repealed Wakf Act, 1954 after coming into force of Wakf Act, 1995 and the same is without jurisdiction. He also submits that the said issue has been considered by this Court in WP.No.33133 of 2014 and impugned notification therein was set aside by order dated 22.09.2016 on similar grounds and the same has become final to which Wakf-board is a party.

Learned Standing Counsel for respondent submits that the name of vendor of the petitioners entered in records, though Wakf-board is having rights over the property. But their vendor cannot be granted occupancy certificate.

However, the fact that this Court has quashed the notification on the ground that the impugned notification was issued under the Repealed enactment is not disputed.

It is to be seen that the issue is whether the respondent could issue notification under the Repealed enactment and though issued, the issue is already covered in WP.No.33133 of 2014, dated 02-09-2016.

In view of the same, the impugned notification is quashed. However, it is open for the respondent-Wakf board to agitate its rights in accordance with law against grant of occupancy certificate, if it is permissible.

Accordingly, the writ petition is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

01-08-2019
Nvl



