

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.18521 of 2007

ORDER::

This writ petition is filed seeking to issue a writ more particularly one in the nature of writ of mandamus to declare the inclusion of the lands of the petitioners in question situated in Durki village, Birkur mandal, Nizamabad district, as Wakf lands in AP Gazette No.46-A, dated 14-11-2002 as being illegal, arbitrary and consequently direct the 1st respondent to delete the said lands in question from the list of Wakf properties by declaring that the petitioners as the pattedars of the lands in question.

Heard the learned counsel for the petitioners and the learned standing counsel for the respondent-Wakf Board.

Petitioners' counsel submits that survey of the Wakf lands including the lands of the petitioners was done under the Wakf Act, 1954 and no notification could be published till 2002, by which time the new Act, 1995 came into force and the notification issued under the Wakf Act, 1954 was repealed by Section 112 of the Wakf Act, 1995, and that a similar issue fell for consideration before this Court in WP No.19611 of 2012 and this Court for the reasons stated therein quashed the notification. Learned counsel states that the issue in this writ petition is squarely covered by the order passed in WP No.19611 of 2012. In fact in the counter affidavit filed it is stated that the notification was issued under old Act of 1954, which is admittedly repealed by the new Act of 1995.

In the circumstances, this writ petition is disposed of for the reasons stated and in terms of the order passed is WP No.19611 of 2012. Consequently, miscellaneous petitions, if any, pending are also disposed of. There shall no order as to costs.

A.RAJASHEKER REDDY, J

Dated: 20-08-2019
NRG



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