

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

W.A.No.698 of 2019

Date: 23.08.2019

Between:

Mohammed Younus Ali

...Appellant

and

The State of Telangana,
Rep. by its Principal Secretary
Minority Welfare Department,
Secretariat, Hyderabad, and others.

...Respondents

Counsel for the appellant: Ms. Vladimeer Khatoon

Counsel for the respondent No.1: G.P for Social Welfare,

Counsel for the respondent No.2: Mr. Radheev Reddy

Counsel for the respondent No.3: Mr. Nazeer Ahmed Khan

Counsel for the respondent No.4: Mr. A.M. Qureshi

The Court made the following:

Judgment: *(per Hon'ble Sri Justice Raghendra Singh Chauhan)*

Mr. Mohammed Younus Ali, the appellant, is aggrieved by the order dated 16.08.2019, passed by a learned Single Judge of this Court in I.A.No.1 of 2019 in W.P.No.16581 of 2019.

Briefly the facts of the case are that the appellant has challenged the continuation of the respondent Nos.3 to 6 as the Members of the Waqf Board ostensibly on the ground that their term was over. Therefore, they should not be permitted to continue as the Members of the Board. The petitioner had also sought an interim relief that during the pendency of the writ petition, the respondent No.1 should be directed to supersede the Board by dissolving the present Board. However, by the impugned order dated 16.08.2019, the learned Single Judge has dismissed the Interim Application.

Ms. Vladimeer Khatoon, the learned counsel for the appellant, submits that despite the fact that the notices were already served, the learned Single Judge has directed the issuance of fresh notice by his order dated 16.08.2019. Therefore, the litigation will continue to drag on. Hence, the impugned order dated 16.08.2019 dismissing the I.A. should be interfered with.

Heard the learned counsel for the appellant, and perused the record.

The position being taken by the learned counsel for the appellant is highly misplaced. For, what is under challenge before this Court is the order dated 16.08.2019 dismissing the I.A. and not the order dated 16.08.2019 whereby fresh notices are ordered. Therefore, the contention raised by the learned counsel for the appellant is clearly unacceptable.

Moreover, since the interim relief prayed by the appellant would tantamount to grant of the main prayer, the learned Single Judge was certainly justified in dismissing the I.A. filed by the appellant.

Therefore, this Court does not find any merit in the present appeal. It is, hereby, dismissed.

As a sequel, Miscellaneous Petitions, pending if any, shall also stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(Dr. SHAMEEM AKTHER, J)

Date: 23.08.2019
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