

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19948 of 2019

ORDER:

The petitioner submits that the land in an extent of Ac.2-32 guntas in Survey Nos.339 and 340 of Old Safilguda, Malkajgiri Village and Mandal, Medchal-Malkajgiri District, is a Waqf property notified in the Gazette dated 13.09.2001, under the name and style of Dargaz Hazrat Khaja Maqdoom Ataullah Chisti-Graveyard and Mosque situated at Shaikpet (v) Navipet (M), Nizamabad District.

The petitioner asserts that he is the Naib/Assistant Muttawalli and Muttawalli of Dargah Kohe-Moula Ali, and the land of the Waqf property is likely to be encroached, and in order to protect the same, he seeks survey and fixing of boundaries of the subject property. The petitioner further submits that necessary application requesting to conduct survey has also been made.

Learned Government Pleader submits that as a matter of fact the land was surveyed once at the instance of one Syed Raza Ali Khan.

Having regard to the respective submissions, it is a case where the petitioner seeks to protect the Waqf property. However, the petition is filed in the name of an individual. Considering the fact that every Muslim believing in almighty can be entitled to seek protection of the Waqf property, subject to the condition that the application seeking conduct of survey is made in the name of Dargah, the respondent authorities shall take necessary steps in accordance with law, particularly, in view of the guidelines laid down by this Court in W.P.No.4811 of 2011 and Batch, dated 28.04.2016.

Accordingly, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

16th September, 2019

KSM

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