

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.23457 OF 2019

ORDER

This writ petition is filed to declare the impugned proceedings passed by the 4th respondent – Wakf Board bearing F.No.48/Permission/Sangareddy/2017 dated 29.08.2018, in according permission for construction of Mini Hajj House in Sy.No.31 in an extent of 10 guntas of land situate at Kalvakunta village, Sangareddy mandal, when the matter is *sub judice* before this court; as illegal and arbitrary.

Learned counsel for the petitioner submits that in respect of the subject property, the father of the petitioner filed suits in O.S.Nos.4, 6 and 10 of 2016 on the file of Wakf Tribunal, and the same were dismissed on 08.08.2017. Challenging the same, CRP.No.6483, 6556 and 6671 of 2017, were filed on the file this court, and that after the death of the father of the petitioner, petitioner and his sisters filed implead petitions, and thus the revisions are pending before this court. Learned counsel further submits that when the subejct matter is *sub judice*, 4th respondent is not justified in issuing the impugned proceedings granting permission for construction of Mini Hajj House, and hence the same is illegal and arbitrary.

Sri Farhan Azam Khan, learned Standing Counsel for Waqf Board, submits that in the suits there is no challenge to the notification issued by the Waqf Board declaring the subject property as Waqf. Learned Standing Counsel further submits that during the pendency of suit, or in the revision before this court, there are no interim orders in favour of the petitioner. He submits that sub-section (2) of Section 6 of the Wakf Act, 1995 bars granting of any stay of the proceeding issued under the Act on the ground of pendency of any suit or of any appeal or other proceedings arising out of such suit. Therefore, the learned Standing Counsel seeks not to entertain the writ petition against the impugned proceedings.

In respect of subject property, revisions are pending before this court and during the pendency of the suits or in the revisions before this court, admittedly no interim orders are granted in favour of the petitioner, and furthermore as per sub-section 2 of Section 6 of the Act, no orders staying the proceedings issued under the Act, can be granted on the ground of pendency of suit or any appeal or other proceedings arising out of such suit. In view of these facts and circumstances, I do not find any reason to entertain the writ petition and the same is accordingly dismissed.

However, it is open to the petitioner to agitate all the issues in the revisions pending on the file of this court.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:28—10—2019

AVS

