

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.11544 of 2019

ORDER:

The present writ petition is filed to declare the action of respondents 1 to 4 in interfering with the civil disputes and construction made by the petitioners over house bearing No.4-2-57, Hatai Street, Nizamabad District, as illegal and arbitrary.

2. Heard Sri M.A.K. Mukheed, learned counsel appearing for the petitioners and the learned Government Pleader for Home appearing for respondents 1 to 4. Despite the name of the learned Standing Counsel for the Telangana State Wakf Board, Hyderabad, appearing for the 5th respondent, being mentioned, none appears for the 5th respondent Wakf Board.

3. Learned Assistant Government Pleader for Home, on written instructions, dated 12.06.2019, submits that one M.A.Sajid, who is the Inspector Auditor Wakf Board, Nizamabad and Kamareddy Districts, has given a complaint on 27.02.2019 alleging that one Awais was residing in Wakf premises house bearing No.4-2-57 (new) 4-2-490 (old) in the Hatai Street of Nizamabad Town by illegally trespassing into it and started construction on the subject Wakf property and raising the RCC columns and that basing on the above said complaint, a case was registered in Crime No.28 of 2019, under Sections 447 & 427 of IPC of II Town Police Station, Nizamabad, on 27.02.2019. It is submitted that the petitioners are the sons of Md.Awais @ Md. Abdul Waheed. It is further submitted that earlier also, the

petitioners filed a writ petition in W.P.No.5423 of 2019 to declare the action of the respondents in interfering and not allowing the petitioners to continue with their on-going authorized construction over the house bearing No.4-2-57, Hatai Street, Nizamabad Town and District and the said writ petition was dismissed as withdrawn on 04.06.2019. It is further submitted that except investigating into the complaint made, which is registered as Crime No.28 of 2019, the 4th respondent Police never interfered in the civil disputes of the petitioners and never tried to stop the construction work of the petitioners, as alleged in the writ affidavit.

4. Having regard to the specific assertion made on behalf of respondents 1 to 4 that they are not interfering in the civil disputes of the petitioners and the construction made by the petitioners, no further orders need be passed in the matter.

5. Accordingly, the Writ Petition is closed. However, since a case is registered in Crime No.28 of 2019, on the file of II Town Police Station, Nizamabad, the respondent authorities shall investigate into the above said crime, in accordance with law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE T.VINOD KUMAR

Date: 4th February, 2020

KL