

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13655 OF 2019

ORDER:

Heard Sri Srushman Reddy, learned counsel for the petitioner, Sri Safiulla Beig learned Standing counsel for Telangana State Waqf Board-1st respondent and the learned Government Pleader for Revenue for respondents 2 and 3.

This writ petition is filed seeking the following relief :-

“.....to declare the action of Respondents in trying to dispossess the petitioner from the business premises in Sy.No.294 admeasuring 1200 square yards situated beside HP Petrol Pump, at Kanteshwar shivar, Nizamabad without issuing any notice or opportunity as illegal, arbitrary, unconstitutional and against the principles of natural justice and consequentially direct the respondents not to dispossess the petitioner from the above said premises and pass such order or orders.....”

It has been contended by the petitioner that he is running nursery business in the land admeasuring 1200 square years in Sy.No.294 situated at Kanteshwar Shivar, Nizamabad by paying monthly rent to the then Muthawalli and that the respondents are trying to dispossess him without following due process of law. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to follow the due process of law before dispossessing the petitioner from the subject land.

Learned Standing counsel appearing for the 1st respondent had contended that the 1st respondent would not dispossess the petitioner from the subject land, without following the due process

of law. However, he contends that appropriate direction be issued to the petitioner to pay the monthly rents regularly to the 1st respondent.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties is of the considered view that this writ petition can be disposed of directing the respondents not to dispossess the petitioner from the subject land without following due process of law, subject to condition that the petitioner pays monthly rents regularly to the 1st respondent. It is needless to say that the 1st respondent shall give an opportunity to the petitioner before initiating any action against him.

With the above direction, this writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 18-02-2020
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