

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.37519 OF 2018

ORDER:

Heard Sri Mohd.Asifuddin, learned counsel for the petitioners, Sri Mirza Saifulla Baig, learned Government Pleader for the Telangana State Wakf Board and Sri P.Krishna Reddy, learned Standing counsel for the 3rd respondent.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus declaring the action of the respondent Nos.2 to 4 in not taking any action against the respondent No.5 to 7 who are indulging in illegal demolition of Heritage building of Dargah Syed Shah Mirran Bukhari (Jalai Bukhari) which form part of Masjid-e-Qutub-e-Alam situated at Shah Gunj, Hyderabad notified Wakf and published in A.P.Gazette bearing No.6-A dated 09.02.1989 and trying to construct their houses without there being any permission is arbitrary and illegal and consequently issue a direction to the respondent No.2 to 4 to take action against the respondent Nos.2 to 4 to take action against the respondent Nos.5 to 7 as per law.....”

It has been contended by the petitioners that they have given a complaint against the respondent Nos. 5, 6 and 7 to the respondent authorities stating that the respondent Nos.5, 6 and 7 are indulging in demolition of Heritage building of Dargah Syed Shah Mirran Bukhari (Jalai Bukhari) which forms part of Masjid-e-Qutub-e-Alam situated at Shah Gunj, Hyderabad notified by Wakf and published in A.P.Gazette bearing No.6-A dated 09.02.1989. But so far, the respondent Nos.2 and 3 are not taking any action on the said complaint. Aggrieved by 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 2 and 3 to act upon the complaint given by the petitioners in accordance with law.

Learned Standing counsel appearing for the 2nd respondent as well as the 3rd respondent had contended that the respondents would act on the complaint given by the petitioners and pass appropriate orders in accordance with law, after examining the complaint and by affording an opportunity to respondent Nos.5, 6 and 7.

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 2 and 3 to act upon the complaint given by the petitioners and pass appropriate orders in accordance with law within a period of eight (08) weeks from the date of receipt of a copy of this order. It is needless to say that the respondents 2 and 3 shall give reasonable opportunity to respondent Nos.5, 6 and 7 before passing any orders.

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: 06-02-2020

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