

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION Nos.26073 of 2011 AND 26074 OF 2011

COMMON ORDER:

These Writ Petitions are filed with the following prayer:

“.....to issue a writ, order or direction more particularly one in the nature of Writ of mandamus declaring the proceedings NO.F/3370/2011, dated 25.08.2011 issued by the 2nd respondent, as being illegal, arbitrary, unjust, unconstitutional, violation of Article 300-A of the Constitution of India and against the principles of natural justice....”.

2. Heard the learned Counsel for the petitioners, learned Government Pleader for Revenue and learned Government Pleader for Minority Welfare, and Sri Nazir Ahmed Khan, learned Standing counsel appearing for respondents, and perused the record.

3. The main ground of challenge in these Writ Petitions to the proceedings in F/3370/2011, dt.25.08.2011 issued by the 2nd respondent, whereby the Tahsildar, Nalgonda Mandal, Nalgonda District was directed to evict the petitioners, calling them as encroachers, from the subject premises as having been issued without conducting enquiry and without issuing any notice to the petitioner.

4. When these Writ Petitions are taken up for hearing, learned Counsel for the petitioners has submitted that the issue

raised in the present Writ Petitions are squarely covered the orders passed by this Court in W.P. No.25260 of 2011, dated 07.09.2017.

5. The above said submission is not disputed by the learned Standing Counsel appearing for the 1st respondent and the learned Government Pleaders appearing for other respondents.

6. In view of the same, and for the reasons alike, the present Writ Petitions are allowed and the impugned order 25.08.2011 passed by the 2nd respondent is set aside. However, it is left open for the Wakf Board to take appropriate action afresh in accordance with law, if so advised, after putting the parties concerned on notice. No costs.

7. Registry is directed to annex a copy of the orders passed in W.P. No.25260 of 2011, dated 07.09.2017 to this order.

8. Consequently, miscellaneous petitions pending, if any, shall stand closed.

T. VINOD KUMAR, J

Date: 10.08.2022

MRKR

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