

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE EIGHTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 808 OF 2010

Between:

1. Syed Shah Maqbool Mohiuddin Quadri, S/o.Syed Shah Yaqoob Hussaini Business H.No.13-4-661/1 Towli Masjid,Karwan, Hyderabad.
2. Syed Multami, S/o. S.A Razzaq Business H.No.13-6-418 Towli Masjid,Karwan,Hyderabad.
3. Mohd Nizamuddin, S/o. Mohaboobuddin Business H.No.15-3-322/1 Towli Masjid,Karwan,Hyderabad.
4. Zahera Begum, W/o.Syed Nayaemuddin Business H.No.13-6-831/7 Towli Masjid,Karwan,Hyderabad.
5. Ghose Mian, S/oLate Mohd Suleman Business H.No.13-6-421 Towli Masjid,Karwan,Hyderabad.

...PETITIONERS

AND

A.P Wakf Board, rep.by its Chief Executive Officer, Office at Razzaq Manzil,Haj House Nampally,Hyderabad.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ or writs more particularly a writ of Mandamus declaring the inaction of the respondent for considering the representation of the petitioners dt. 1-3-2008 and collecting the rents from the petitioners without allotting the land is illegal, void and unconstitutional in the interest of justice.

I.A. NO: 1 OF 2010(WPMP. NO: 1013 OF 2010)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue a direction to the respondent to consider the representation of the petitioners dt 1-3-2008 till the disposal of the wp in the interest of justice.

Counsel for the Petitioners: SRI. MOHD ASIFUDDIN

Counsel for the Respondent: M A K MUKHEED

The Court made the following: ORDER.

THE HON'BLE MRS JUSTICE SUREPALLI NANDA

W.P.NO.808 OF 2010

ORDER :

1. This is a writ petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the inaction of the respondent in considering the representation of the petitioners, dated 10.03.2008 and collecting the rents from the petitioners without allotting the land as illegal, void and unconstitutional.

2. The case of the petitioners is that the petitioners are tenants of the Wakf Board, who is the respondent herein and the petitioners are regularly paying their rents for the lands leased out to the petitioners by the respondent herein and evidencing the said fact, the petitioners have filed the receipts bearing Nos.12132, 12134, 12135 and 12136 and material documents in support of the present writ petition. The petitioners had on an earlier occasion approached this Court by filing

W.P.No.7074 of 2003 against the respondent herein seeking a declaration that the action of the respondent herein in not making allotment of house plots or alternative accommodation to the petitioners on the wakf property, as illegal and arbitrary. The petitioners also had made a representation on 15.02.2003 to the respondent herein to consider their case for allotment of plots. This Court was pleased to dispose of the said writ petition vide its order dated 01.08.2003, directing the respondent to consider the representation of the petitioners, dated 15.02.2003 and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. In pursuance of the orders dated 15.02.2003 of this Court in W.P.No.7074 of 2003, the respondent herein has issued proceeding No.D.Dis No.R3/14/Rent/Hyd/2000, dated 28.02.2004, allotting 100 sq. yards of land to each of the petitioners in Survey No.313 at Attapur Village, Ranga Reddy District, belonging to Dargah Hazarath Mir

Mahmood Saheb Qibla (Rh). The inspector of the respondent herein however, failed to deliver the possession of the land, which was allotted to the petitioners and when the Inspector Auditor, Wakf and the petitioners went to the site for demarcation and delivery of the possession at Survey No.313, Attapur Village, Ranga Reddy District, since the other tenants of the respondent herein are in possession of the petitioners' subject lands. The petitioners gave a representation, dated 01.03.2008 requesting the respondent herein to allot suitable Wakf land i.e. plots admeasuring 100 sq. yards each at any place to the petitioners herein at an early date specifically reiterating that the petitioners have been paying rents for the last several years since 2000 onwards continuously even during the year 2008 and till date without being in possession of the plots. The petitioners contend that there is vacant land at D.No.8-1-299, Mosque Sivar Shaikpet, admeasuring 1393 sq. yards, which is duly notified in the official

gazettee No.26-C, Part II, dated 01.07.1982, which is under the Mutawalliship of the respondent and further that non consideration of the petitioners' representation dated 01.03.2008 and collecting the rents from the petitioners regularly without allotting the land to the petitioners is illegal, void and unconstitutional.

3. The respondent filed counter contending as follows:

The respondent board has leased out the property for a period of one year and the Inspector Auditor Wakf had already delivered possession to the petitioners in the year 1999 itself, and that the petitioners colluded with the other persons and misrepresented the facts to get allotted another piece of land according to their own choice in Survey No.336 of Attapur Village, Ranga Reddy District. The petitioners again made a representation for alternative wakf land in Survey No.313 of Attapur Village, Ranga Reddy District and the respondent by taking cognizance of the order of this Court in W.P.No.7074 of

2003 allotted 100 sq. yards of land to the petitioners according to their wish and pleasure, but for the reasons best known to the petitioners in spite of the respondent complying petitioners request, the petitioners approached this Court by filing the present writ petition requesting for allotment of wakf land at Shaikpet.

4. A brief reply to the counter affidavit is also filed by the petitioners specifically denying the contentions of the respondent that land has been allotted to the petitioners by the respondent.

5. Heard learned counsel for the petitioner and learned counsel for the respondent - Wakf Board. Perused the record.

6. The respondent Wakf Board represented through its counsel submits to this Court that the competent authority i.e. Wakf Board is not constituted as on date, and the same would be constituted shortly i.e. within two weeks from today, and soon thereafter within reasonable

period, the respondent herein, who is the competent authority would consider the petitioners' representation dated 01.03.2008, in accordance with law, as per Rules 7 and 26 of the Wakf Property Lease Rules, 2014.

7. Considering the above submission without going into the merits of the case the writ petition is disposed off directing the respondent herein to consider the representation dated 01.03.2008, in accordance with law, within six weeks after the constitution of the respondent Board. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. A.P Wakf Board, Chief Executive Officer, Office at Razzaq Manzil, Haj House Nampally, Hyderabad.
2. One CC to SRI. MOHD ASIFUDDIN Advocate [OPUC]
3. One CC to SRI. M A K MUKHEED Advocate [OPUC]
4. Two CD Copies
5. One Spare Copy

ds

10/1

HIGH COURT

DATED:18/04/2022



ORDER

WP.No.808 OF 2010

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

MRC
10-8-22