

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO
PRESENT**

**THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION NO: 43825 OF 2022**

Between:

Imran Khan, s/o late Rahmat Khan, Occ. Business At 11-1-437/4, Agapura, Hyderabad

...PETITIONER

AND

1. The Telangana State Waqf Board, rep by its Chief Executive Officer, Hajj House Complex, Opp Public Garden, 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 a Writ Order or Direction more Particularly in the nature of MANDAMUS Declaring the action of respondent Waqf Board in not regularizing the tenancy of the petitioner in respect of House Property bearing Municipal Door No 11-1-437/4, situated at Aghapura, Bhoiguda, Hyderabad which is a Waqf Property attached to Dargah Hazarath Mirza Sardar Baig (RA) having received arrears of rents, non refundable deposit, as well as one month rent having received the representation dated 26-11-2021 as being Illegal, Arbitrary, Capricious, Malafide, contrary to Section 56 of the Waqf Act of 1995.

IA NO: 1 OF 2022

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 grant interim directions directing the respondent Waqf Board to regularize the tenancy in the name of the petitioner in respect of House Property bearing Municipal Door No 11-1-437/4, situated at Aghapura, Bhoiguda Hyderabad which is a Waqf Property attached to Dargah Hazarath Mirza Sardar Baig (RA) in pursuance of the the representation dated 26-11-2021.

Counsel for the Petitioner: SRI. NAGULA MEERA SHAIK

Counsel for the Respondents: ABU AKRAM (SC FOR TSWB)

The Court made the following:

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No. 43825 of 2022

ORDER:

Heard learned counsel for the petitioner and Sri Abu Akram, learned Standing Counsel for the respondent-Waqf Board.

2. The Writ Petition is filed questioning the action of respondent-Waqf Board in not regularizing the tenancy of the petitioner in respect of House Property bearing Municipal Door No.11-1-437/4, situated at Aghapura, Bhoiguda, Hyderabad which is a Waqf property attached to Dargah Hazarath Mirza Sardar Baig in spite of submitting the representation dated 26.11.2021 as illegal and arbitrary.

3. It is contended by learned counsel for the petitioner that the respondent is not receiving the rents in respect of the subject Mulgi though the petitioner is ready and willing to pay the same. Complaining action of the respondent in not receiving the rents from the petitioner in respect of the subject property and not considering the representation dated 26.11.2021 the present writ petition is filed.

4. On the other hand, Sri Abu Akram, learned Standing Counsel submitted that originally the subject property was leased out as residential property to some others and the petitioner herein came into possession of the same and converted the same as commercial

property and the petitioner has to pay the entire arrears and in case if the petitioner pays such arrears fully, the respondent -Waqf Board is ready to regularize the possession of the petitioner by duly entering into an agreement treating the subject property as a commercial property. Learned counsel for the petitioner submitted that the petitioner is ready to pay the entire arrears.

5. In the light of the submission made by learned Standing Counsel, this Court is of the considered view that there is no necessity to examine the matter further deep and the Writ Petition can be disposed of at the stage of admission itself.

6. In view of the above, the Writ Petition is disposed of directing respondent to consider the said representation, dated 26.11.2021, submitted by the petitioner in the light of the submission made by Sri Abu Akram, learned Standing Counsel as noted above, and take appropriate action, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

SD/-C.PRAVEEN KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Chief Executive Officer, Hajj House Complex, Opp Public Garden, Nampally
Telangana State Waqf Board, Hyderabad.
2. One CC to SRI. NAGULA MEERA SHAIK Advocate [OPUC]
3. One CC to SRI. ABU AKRAM (SC FOR TSWB) Advocate [OPUC]
4. Two CD Copies

HIGH COURT

MSK, J

DATED: 14/12/2022



ORDER

WP.No.43825 of 2022

WRIT PETITION IS DISPOSED OF WITHOUT COST