

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.44817 of 2022

ORDER:

This writ petition is filed with the following prayer;

“to issue a writ, order or direction and more particularly one in the nature of Writ of Mandamus declaring the actions of Respondents Nos. 2 to 5 in sanctioning building permission vide permit No.193169/8465/GHMC/2022 dated 25-07-2022, permitting the 7th Respondent to construct over H.No.30- 220/11/ 1, Plot No.27 admeasuring 266.61 square yards in survey No.438 and 439, situated in Old Safilguda Under Malkajgiri Municipality and Mandal Medchal-Malkajgiri District, a Waqf Property as illegal, arbitrary and in violation of HMC Act 1955, Waqf Act 1995, A.P.(T.A) Abolition of Inams (Amendment) Act 1994, and Constitution of India and principles of natural justice, consequently set aside the building permission issued to 7th Respondent vide permit No.193169/8465/ GHMC/ 2022 dated 25-07-2022 by Respondents No.2 to 5”.

2. Learned counsel for the petitioner Mr. Mirza Safiulla Baig submits that the petitioner is a Muthawalli of Dargah Kho-e Moula Ali situated at Moula Ali, Malkajgiri Village and Mandal, Medchal-Malkajgiri District, and it is a notified wakf property published in the A.P.Gazette No.35, Part-II dated 27-08-1987. He submits that the Wakf Board is having the property in respect of Sy.No.438, in an extent of Ac.0-35 gts. He submits that respondent No.7 has made an application seeking building permission and instant approval was granted on 25-07-2022 and thereafter, work commencement letter was issued on 28-07-2022. He submits that though the petitioner has made several

representations, the respondents have failed to consider the same. Learned counsel submits that when the unofficial respondent No.7 has obtained permission by suppressing the material facts and as the property belongs to the wakf board, the respondent Corporation ought to have considered the same under Section 450 of GHMC Act.

3. Learned Standing Counsel for respondent Nos.2 to 5 Mr. K. Ravinder Reddy submits that though the representation is given, the petitioner has failed to mention the specific boundaries and the details and without that, it would be difficult for the respondents to ascertain the same.

4. In response to the same, learned counsel for the petitioner submits that the petitioner will produce the necessary documents to the respondent Corporation.

5. Accordingly, the Writ Petition is disposed of directing the petitioner to submit the necessary documents to the respondent Corporation within a period of one week from the date of receipt of a copy of this order and the respondent Corporation, after issuing notice to respondent No.7, shall take appropriate action within a period of four weeks thereafter. No order as to costs.

6. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

19th December, 2022

LALITHA KANNEGANTI, J

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