

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

TUESDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 4201 OF 2023

Between:

Mohammed Naser Pasha, S/o. Mohammed Khaizer Pasha, Aged about 30 years,
Occ ; Care-Taker, R/o.H.No.7-61, Kumarwadi, Shamshabad, Ranga Reddy District.

...PETITIONER

AND

1. State of Telangana, Rep. by its Principal Secretary, Minority Welfare Department, Secretariat, Hyderabad.
2. Telangana State Wakf Board, Haj House, Nampally, Hyderabad, Rep. by its Chief Executive Officer.
3. Shah Mohammed Moizuddin Multani Al Qadri, S/o. Khader Pasha, Aged Major, Occ ; Mutawalli, R/o. Falaknuma, Hyderabad.
4. Shah Mohammed Mujeebuddin Multani Al Qadri (Kazim Pasha), S/o. Shah Mohammed Moizuddin Multani Al Qadri, Aged Major, R/o. Falaknuma, Hyderabad.

...RESPONDENTS

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 order or any direction, writ more appropriately in the nature of Writ of Mandamus declaring the action of the 3rd respondent in trying to declare the 4th respondent as his Successor (Rasm-E-Janashini) of the Wakf Property under the guise of Sandal Shareef of Bargah Shamshabad Khankhahe Multania Qadria, Near Railway Gate, Shamshabad which is schedule to be on 15.02.2023 without any prior permission from the 2nd respondent herein is illegal and unconstitutional besides gross violation of the provisions of the Wakf Act, 1955 consequently direct the respondents to stop the Rasm-E-Janashini of the 4th respondent which is to be schedule on 15.02.2023 by considering the representation dated 11.02.2023 made by the petitioner herein strictly in accordance with the Provisions of the Wakf Act, 1955.

I.A.NO:1 OF 2023

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 direct the respondents to stop the Rasm-E-Janashini of the 4th respondent which is to be schedule on 15.02.2023 by considering the representation dated 11.02.2023 made by the petitioner herein strictly in accordance with the Provisions of the Wakf Act, 1955.

Counsel for the Petitioner : SRI.MOHAMMED HABEEBUDDIN

Counsel for the Respondent No.1 : GP FOR SOCIAL WELFARE

Counsel for the Respondent No.2 : SRI.ABU AKRAM

Counsel for the Respondent Nos.3 & 4 : ---

The Court made the following ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.4201 OF 2023

ORDER:

It is represented by Sri Abu Akram, learned Standing Counsel appearing for respondent No.2-Waqf Board, that respondent No.2 has not recognized respondent No.4 as successor of respondent No.3 and the said ceremony/formality stated to have been scheduled to take place on 15.02.2023 is not recognized by respondent No.2-Waqf Board. Any such action will not be recognized by respondent No.2-Waqf Board, until and unless a proper application is submitted in terms of Section 42 of the Waqf Act, 1995 and processed in accordance with law.

2. In the light of the submission made by Sri Abu Akram, learned Standing Counsel appearing for respondent No.2-Waqf Board, no further orders need be passed and accordingly, the Writ Petition is closed duly placing on record the submission made by Sri Abu Akram, learned Standing Counsel appearing for respondent No.2-Waqf Board.

As a sequel, miscellaneous petitions, pending if any in this Writ Petition, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/- T.TIRUMALA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. Two CCs to GP FOR SOCIAL WELFARE, High Court for the State of Telangana at Hyderabad. [OUT]
2. One CC to SRI MOHAMMED HABEEBUDDIN, Advocate [OPUC]
3. One CC to SRI ABU AKRAM, Advocate [OPUC]
4. Two CD Copies
5. One spare copy

S.A.

LS

HIGH COURT

DATED:14/02/2023

ORDER

WP.No.4201 of 2023



**CLOSING THE W.P
WITHOUT COSTS.**

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22/2/23