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

THURSDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 3843 OF 2024

Between:

Aijaz Khan, S/o. Fayaz Khan, Aged about 38 years, Occ: Agriculturist, R/o. 17-211, Naya Abadi, Mudhole District, Nirmal.

...PETITIONER

AND

1. The State of Telangana, Rep by its Minorities Welfare, Department, Secretariat, Hyderabad.
2. The Chief Executive Officer, Telangana State Waqf Board, Haj House Building, Nampally, 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 issue an appropriate WRIT, order or direction, more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction on the part of the 2nd respondent in not renewing the lease of the petitioner and not determining the reasonable rent per annum for the subject property, as arbitrary, bad, illegal, Un-Constitutional and violative of principles of natural justice.

IA NO: 1 OF 2024

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 permit the petitioner to deposit the rents for the year 2022-23 © Rs. 5,000/- p.a. and Rs. 5,100/-for the year 2023-24 to the credit of account of Telangana State Waqf Board in respect of the subject property.

IA NO: 2 OF 2024

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 respondent No. 2 to consider the application dated 20.09.2023 of petitioner and issue orders of renewal of lease.

IA NO: 3 OF 2024

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 be pleased to direct the respondent No. 2 and his subordinate officers not to dispossess the petitioner and not to interfere in the peaceful possession of the petitioner till the renewal of lease deed and till disposal of the main writ petition.

Counsel for the Petitioner: SRI S.J.A. NADEEM

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

Counsel for the Respondent No.2: SRI ABU AKRAM, SC FOR WAQF BOARD

The Court made the following: ORDER

HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No.3843 of 2024

ORDER:

This writ petition is filed seeking the following relief:

> *"to issue an appropriate WRIT order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction on the part of the 2nd respondent in not renewing the lease of the petitioner and not determining the reasonable rent per annum for the subject property as arbitrary, bad, illegal, Un-Constitutional and violative of principles of natural justice."*

2. Heard Sri S.J.A.Nadeem, learned counsel for the petitioner and Sri Abu Akram, learned Standing Counsel for Waqf Board appearing on behalf of respondent No.2.

3. The case of the petitioner is that he is the tenant of respondent No.2 for several years and doing cultivation in the land admeasuring Acs.15-22 guntas in Sy.No.774 of Mudhole Village and Mandal, Nirmal District, and he paid regularly rents to Waqf Board. Since 2018, the Rent Collector concerned has not received rent nor permitted to deposit the same. Therefore, he addressed a letter to respondent No.2

and requested for issuing copies of lease deed, in response to which, respondent No.2 issued letter vide F.No.157/RTIA/ADB/2018, dated 17.01.2019 confirming that annual rents paid are part of the record, but the lease deed is not readily traceable, as such the same was not provided to petitioner.

4. Learned counsel further submits that again petitioner addressed a letter to respondent No.2 on 01.12.2022 requesting to issue necessary orders for collection of rent amount in respect of the subject properties and also to issue renewed lease deed. In response to the same, respondent No.2 issued intimation vide F.No.R4/14/Rent/Adb/12, dated 22.12.2022 directing the petitioner to remit annual rent of Rs.76,000/- in respect of the subject waqf property.

5. Learned counsel for petitioner submits that respondent No.2 issued memo vide F.No.01/TSWB/Nirmal/Ek-Sala/Gen/2022/Z-IV, dated 20.04.2023 directing the Inspector Auditor to

conduct spot inspection and to file a report. The Inspector Auditor visited the subject property and also made legal enquiries but the result is not known to the petitioner. However, on 20.09.2023, he made a reminder submission to respondent No.2 requesting to consider the annual rent as Rs.5,000/- to renew the lease. In response to the same, respondent No.2 issued letter dated 07.12.2023 referring to office memo dated 19.10.2023 and the said letter is addressed by Inspector Auditor Waqf, Nirmal District, to respondent No.2 and the requisition is not yet considered and finalized till date.

6. Learned Standing Counsel for respondent No.2 submits that in response to the application dated 20.09.2023, office of the 2nd respondent issued memo vide F.No.01/TSWB/NIRMAL/Ek-Sala/Genl/2022/Z-IV, dated 17.02.2024 and decided to regularize the lease of the subject land for cultivation @ Rs.10,000/- per acre per annum i.e., Rs.10,000/- x 15.22 = 1,56,000/- x 10 years = Rs.15,60,000/- and directed

to remit the amount of Rs.15,60,000/- in Board Treasury through Inspector Auditor Waqf, Nirmal District, towards Ek-sala Cultivation of Agriculture Waqf land admeasuring Acs.15-22 guntas in Sy.No.774 of Mudhole Village and Mandal, Nirmal District, in order to take further necessary action.

7. Recording the submission made by learned Standing Counsel for Waqf Board, based on the written instructions, which are placed on record, this writ petition is closed. However, the petitioner is at liberty to challenge the memo dated 17.02.2024 passed by respondent No.2. 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. One CC to SRI S.J.A. NADEEM, Advocate [OPUC]
2. One CC to SRI ABU AKRAM, SC FOR WAQF BOARD [OPUC]
3. Two CCs to GP FOR SOCIAL WELFARE, High Court for the State of Telangana. [OUT]
4. Two CD Copies

BN
SB

HIGH COURT

DATED:22/02/2024



ORDER

WP.No.3843 of 2024

CLOSING THE WRIT PETITION
WITHOUT COSTS

7 copies
KY
22/3/24