

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: W.P.No.8528 of 2026

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
01.	23.03.2026	<u>JAK, J</u> Notice before Admission. Learned Government Pleader for Stamps and Registration takes notice on behalf of respondent Nos.1 and 5 and waives further notice. Learned Standing Counsel for Waqf Board takes notice on behalf of respondent Nos.2, 3 and 4 waives further notice. This Writ Petition is filed seeking the following relief: “...to issue a Writ or Writs more appropriately a Writ of Mandamus declaring the action of the respondent No.2 to 5 in unilaterally execution and registration of Cancellation Deed vide Document No.387 of 2026 dated:25.02.2026 cancelling the General Power of Attorney vide Document No.478 of 2025 dated: 28-02-2025 in respect of the property bearing H.No.20-3-142, admeasuring 135 square yards situated at Shibligunj, Hyderabad, T.G., in the office of the respondent No.5 without issuing any notice to the petitioners and without jurisdiction which is illegal, arbitrary, void, ultra virus, unconstitutional, in violation of provisions of the Registration Act, 1908 and Rule 26(i)(k)(i) made thereunder and also in violation of principles of Natural Justice in the interest of justice and equity and to pass such other order or orders...” Mr. A.M.Qureshi, learned Senior Counsel appearing for petitioners submitted that petitioner No.1 is the owner and possessor of property bearing H.No.20-3-142, admeasuring 135 sq.	

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		yards, situated at Shibligunj, Hyderabad and that petitioner acquired the same from his wife through gift settlement deed bearing document No.767 of 2000 dated 29.07.2000 (Ex.P3). It is further submitted that petitioner appointed petitioner Nos.2 and 3 as attorneys through registered General Power of Attorney (GPA) bearing document No.478 of 2025 dated 28.02.2025 (Ex.P2) in respect of the subject property. It is submitted by learned Senior Counsel that respondent Nos.3 and 4 presented cancellation deed before respondent No.5, claiming the subject property as waqf property notified in the year 1989. It is further submitted that respondent No.5 unilaterally cancelled the GPA bearing document No.478 of 2025 dated 28.02.2025 vide cancellation deed registered as document No.387 of 2026 dated 25.02.2026. It is also submitted that respondent No.5, without issuing any notice and without verifying whether the property is notified vide Gazette, registered the unilateral cancellation deed, which is not in accordance with law and is in violation of Rule 26(i)(k)(i) of Telangana Rules under the Registration Act, 1908. On the other hand, learned Standing Counsel for Waqf Board appearing for respondent Nos.2, 3 and 4 submitted that Section 51 read	

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		with Section 104(A) of the Waqf Act, 1995, empowers the Chief Executive Officer (CEO) to seek cancellation in respect of property, which is purportedly the waqf property. It is further submitted that Rule 243 of Telangana Rules under the Registration Act, 1908, empowers the CEO to seek cancellation, hence, the act of respondent Nos.3 and 4 is in tune with the law. Heard learned counsels, perused the record. It is not in dispute that subject property is a residential house bearing No.20-3-142, admeasuring 135 sq. yards, situated at Shibligunj, Hyderabad, petitioner is claiming the subject property vide gift deed (Ex.P3). Petitioner executed GPA (Ex.P2) and by virtue of GPA, the attorneys (petitioner Nos.2 and 3) are entitled to deal with the subject property, as enumerated in covenant 1 of GPA. Learned Senior Counsel for petitioners contended that it is only the GPA that is registered, but it is not a deed of conveyance or transfer of property, which is cancelled by Waqf Board. There are rival contentions by both the parties with respect to the title of property, which are to be decided later. <i>Prima facie</i> it appears that subject property has been in possession of petitioner for not less than 26 years, it is a residential house. It is the	

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		GPA which has been cancelled. Be that as it may, having considered the entire factual matrix of the case, this Court is of the opinion that it is a fit case to grant interim suspension of operation of the registered cancellation deed vide document No.387 of 2026 dated 25.02.2026. There shall be interim suspension of operation of the registered cancellation deed vide document No.387 of 2026 dated 25.02.2026 for a period of four (04) weeks only. It is made clear that during the operation of the interim orders granted herein, attorneys (petitioner Nos.2 and 3) shall not in any manner whatsoever deal with the subject property. Post the matter on 20.04.2026. Meanwhile, learned Standing Counsel for Waqf Board appearing for respondent Nos.2, 3 and 4 shall file counter affidavit. JAK,J KRR	

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