

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
MONDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI
WRIT PETITION NO: 8528 OF 2026

Between:

1. Mohammed Akber Alam, S/o. Late Mr. Mohammed Basheer Ahmed, Aged- 71 years, Occ- Business, R/o. H.No. 20-3-142, Doodh Bowli, Hyderabad, T.G.
2. Mohammed Azhar Hussain,, S/o. Mr. Gulam Ahmed, Aged- 59 years, Occ- Business, R/o. H.No. 20-3-144/8, Doodh Bowli, Shiblygunj, Bahadurpura, Hyderabad, T.G.
3. Mohd Zameer Uddin,, S/o. Mr. Mohd Moin Uddin, Aged- 52 years, Occ- Bnsiness, R/o. H.No. 20-4-1112/18, Khilwath, Hyderabad, T.G.

Petitioners

AND

1. The State of Telangana, Rep. by its Principal Secretary Stamps and Registration Department, Office at Secretariat, Hyderabad, T.G.
2. The Telangana State Wakf Board, Rep. by its Chief Executive Officer, Razzaq Manzil, Haj House, Nampally, Hyderabad, T.G.
3. The Chief Executive Officer, Telangana State Wakf Board, Razzaq Manzil, Haj House, Nampally, Hyderabad, T.G.
4. Sri. Mohd Abdul Hakeem,, S/o. Mr. M.A. Samad, Aged- Major, Occ- Inspector Auditor Waqf Circle No.2 Telangngna State Wakf Board, Razzaq Manzil, Haj House, Nampally, Hyderabad, T.G.
5. The Sub Registrar,, Charminar Registration and Stamps Ranga Reddy, Office at Charminar, Hyderabad, T.G

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 a Writ or Writs more appropriately a Writ of Mandamus declaring the action of the respondent No.2 to 5 in unilateral 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 Shiblygunj, 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 there under and also in violation of principles of Natural Justice in the interest of justice and equity;

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the operation of the Cancellation Deed vide Document / No.387 of 2026 dated-25.02.2026, pending disposal of WP 8528 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of MD ABDUL MATEEN QURESHI Advocate for the Petitioners, GP FOR STAMPS AND REGISTRATION for the Respondent Nos. 1 and 5 and SRI FARHAN AZAM KHAN, Standing Counsel for respondent Nos. 2, 3 and 4, the Court made the following.
ORDER

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 Shiblijunj, 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. yards, situated at Shiblijunj, 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 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.

Prima facie 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 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.

**Sd/- B.REKHA RANI
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana, Stamps and Registration Department, Office at Secretariat, Hyderabad, T.G.
2. The Chief Executive Officer, Telangana State Wakf Board, Razzaq Manzil, Haj House, Nampally, Hyderabad, T.G.
3. The Chief Executive Officer, Telangana State Wakf Board, Razzaq Manzil, Haj House, Nampally, Hyderabad, T.G.
4. Sri. Mohd Abdul Hakeem,, S/o. Mr. M.A. Samad, Occ- Inspector Auditor Waqf Circle No.2 Telangna State Wakf Board, Razzaq Manzil, Haj House, Nampally, Hyderabad, T.G.
5. The Sub Registrar,, Charminar Registration and Stamps Ranga Reddy, Office at Charminar, Hyderabad, T.G (RR 1 to 5 by SPAD)
6. One CC to SRI. MD ABDUL MATEEN QURESHI Advocate [OPUC]
7. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court at Hyderabad. [OUT]
8. One spare copy

HIGH COURT

JAK,J

DATED:23/03/2026

POST ON 20.04.2026

ORDER

WP.No.8528 of 2026

SUSPENSION

