

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY ,THE SIXTEENTH DAY OF JULY

TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 24092 OF 2021

Between:

1. M/s. A V Madhura Nagar Plot Owners Welfare Association, (Registration Number 110 of 2017) Represented by its General Secretary - Mr. K. Venkat Reddy Regd. Office at - Sy.No.154A, 155/A and 156/A (P), Ghatkesar Village and Mandal, Ranga Reddy District, Telangana.
2. M/s. AV Constructions and Projects, A Registered Partnership Firm, vide Regd. 3588/2014, Rep. by its Managing Partner, Mr. J Venkat Reddy, S/o. B Yadi Reddy, Aged about 43 Years, Occupation Business, R/o. H.No.5-55/4/1, Kranthi Nivas Apartments, Budha Nagar, Uppal Bus Depot, Peerzadiguda, Medipally Mandal, Hyderabad - 500 092

Petitioners**AND**

1. The State of Telangana, Represented by Prl. Secretary, Minorities Welfare Department, Secretariat, B.R.K. Bhavan, Hyderabad
2. The Telangana State Waqf Board, Rep. by Chief Executive Officer and Secretary, Office at - Razzack Manzil, Hajj House Ln, Opp. Public Gardens, Fateh Maidan, Nampally, Hyderabad - 500 001.
3. The Inspector Auditor Waqfs, Medchal Malkajgiri District.
4. The District Collector, Medchal - Malkajgiri District.
5. The Tahsildar, Ghatkesar Mandal, Medchal Malkajgiri District
6. The District Registrar, Medchal Malkajgiri District.
7. The Sub- Registrar, Ghatkesar, Medchal - Malkajgiri District.
8. Dargah Hazrath Ujale Shah, Situated at Kurmaguda, Hyderabad 16-2-16/B, Chanchalguda Jail Road, Akbarbagh, New Malakpet, Hyderabad - 59

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, Order or Direction more particularly one in the nature of Writ of Mandamus-

a. To declare the Gazette Notification Dt.09/02/1989, issued by 2nd Respondent Waqf Board, as illegal, arbitrary and violative of principles of natural justice

aa. to declare the Gazette Notification Dt. 21/06/1984, issued in Gazette No. 24-A Supplement to Part II, published on Pg. 23 at Serial No.1393, issued by the 2nd Respondent, as illegal, arbitrary and violative of principles of natural justice

b. To declare the Impugned Proceedings of 2nd Respondent in issuing Lr. No. M4/ 14/PROT/HYD/2009-VOL-II, Dt.18/01/2019 directing the Sub-Registrar

Ghatkesar and District Registrar, Medchal-Malkajgiri District not to entertain any registrations of sale transactions pertaining to lands situated in Sy.Nos.154, 155 and 156 of Ghatkesar Village and Mandal, as allegedly the same are waqf lands, as illegal, arbitrary, high handed and violative of principles of natural justice, and also violative of procedure contemplated under law.

c. To declare the Impugned Report of 3rd Respondent vide his Letter Dated-30/10/2019, in DR. No.3155, in contemplating to conduct survey of subject lands admeasuring Ac.10-34Gts belonging to 1st Writ Petitioner Association and its members, situated in Sy.No.154, 155 and 156 of Ghatkesar Village, Ghatkesar Mandal, as illegal, arbitrary and violative of principles of natural justice.

IA NO: 1 OF 2021

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 suspend the operation of the impugned letter/proceedings issued by 2nd respondent vide File No. M4/14/PROT/HYD/2009-VOL-II, Dated- 18/01/2019, by removing the subject lands admeasuring Ac.10-34Gts belonging to 1st Writ Petitioner Association and its members, situated in Sy.Nos'.154, 155 and 156 of Ghatkesar Village, Ghatkesar Mandal & Medchal-Malkajgiri District, from 22A prohibited properties list maintained by 6th & Th Respondents, and to consequently allow registrations of plots belonging to 1st Writ Petitioner Association and its members, which are developed by 2nd Writ Petitioner in accordance with HMDA Layout Permit No.07/LO/P1g/HMDA/2016, Dt.23/01/2016, in the interest of justice.

IA NO: 2 OF 2021

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 suspend the operation of impugned report of 3rd Respondent in contemplating to conduct survey of subject lands admeasuring Ac.10-34Gts belonging to 1st Writ Petitioner Association and its members, situated in Sy.No.154, 155 and 156 of Ghatkesar Village, Ghatkesar Mandal, vide his Letter Dated: 30/10/2019, in DR. No.3155, as illegal, arbitrary and violative of principles of natural justice, in the interest of justice pending disposal of the main WP as this Honble Court may deem fit and proper in the circumstances of the case..

IA NO: 1 OF 2022

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 For the reasons stated in the accompanying affidavit it is most humbly prayed that this Hon'ble Court may be pleased to receive the additional documents and pleadings on record in WP No. 24092/2021, in the interest of justice, and to pass such other order(s) as this Hon'ble Court may deem fit and proper in the circumstances of the case.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. UNNAM LAW FIRM Advocate for the Petitioner, GP FOR MINORITY WELFARE (TG) for the Respondent No 1 , SRI ABHU AKRAM for Respondent Nos 2 & 3, GP FOR STAMPS AND REGISTRATION for Respondent Nos 4 to 8 and the Court made the following.

ORDER

M/s. Unnam Law Firm, learned counsel for the petitioners submitted that the issue involved in this writ petition is squarely covered by the judgment of this Court in B. Gowra Reddy (deceased by L.Rs.) and others v. Government of Andhra Pradesh and others [2002 SCC Online AP 16].

Mr. Abu Akram, learned Standing Counsel for Wakf Board, takes preliminary objection to the maintainability of the writ petition and submitted that the plot owners are not appearing before this Court. Petitioner No.1 herein is the Plot Owners Welfare Association and petitioner No.2 is the developer and there is no *locus standi* to the petitioners to file this writ petition.

Learned counsel for the petitioners submitted that petitioner No.1 is the association of plot owners and they can ventilate their grievance on behalf of plot owners and petitioner No.2 is the developer, thus, they have interest in the subject matter.

As notification impugned in this writ petition is the subject matter of B. Gowra Reddy's case (supra1), there shall be interim suspension as prayed for.

Petitioners are given liberty to rectify the defects pointed by the learned standing counsel for Wakf Board. Any alienation made by the

members of petitioner No.1 - association shall be subject to the further orders of this Court.

So far as *locus standi* is concerned, the same will be considered in the hearing of main writ petition.

Post on 20.08.2024.

**SD/-MD.SANAULLAH ANSARI
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The Prl. Secretary, Minorities Welfare Department, Secretariat, State of Telangana, B.R.K. Bhavan, Hyderabad
2. The Chief Executive Officer and Secretary, Telangana State Waqf Board, Office at - Razzack Manzil, Hajj House Ln, Opp. Public Gardens, Fateh Maidan, Nampally, Hyderabad - 500 001.
3. The Inspector Auditor Waqfs, Medchal Malkajgiri District.
4. The District Collector, Medchal - Malkajgiri District.
5. The Tahsildar, Ghatkesar Mandal, Medchal Malkajgiri District
6. The District Registrar, Medchal Malkajgiri District.
7. The Sub- Registrar, Ghatkesar, Medchal - Malkajgiri District.
8. Dargah Hazrath Ujale Shah, Situated at Kurmaguda, Hyderabad 16-2-16/B, Chanchalguda Jail Road, Akbarbagh, New Malakpet, Hyderabad - 59 (FOR ADRESSES 1 TO 8 by RPAD)
9. One CC to. M/S. UNNAM LAW FIRM Advocate [OPUC]
10. Two CCs to GP FOR MINORITY WELFARE ,High Court at Hyderabad. [OUT]
11. Two CCs to GP FOR STAMPS AND REGISTRATION ,High Court at Hyderabad. [OUT]
12. One spare copy

HIGH COURT

BVRJ

DATED:16/07/2024

POST ON 20.08.2024.



ORDER

WP.No.24092 of 2021

INTERIM SUSPENSION