



2026:TSHC:1778

[3219]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

**THURSDAY, THE TWENTY SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 31542 OF 2025

Between:

Mohammed Baquar, S/o. Mohammed Osman, Aged about 62 years, Occ: Business, R/o. 10-3-3/40, Mehdiapatnam, Hyderabad, Telangana. President of Managing Committee, Masjid-e-Khaja Gulshan, Office at MCH No.10-3-4, Asif Nagar, Mehdiapatnam X Road, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Minorities Welfare Department.
2. The Telangana State Waqf Board, Represented by its Chief Executive Officer, Haj House, Nampally, Hyderabad.
3. The Chairman, Telangana State Waqf Board, Haj House, 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 a writ of mandamus, declaring the inaction of the Respondents in not considering and acting upon the Petitioner's Representation dated 11/08/2025, and in not handing over charge of Masjid-e Khaja Gulshan, MCH No.10-3-4, Asif Nagar, Mehdiapatnam X Road, Hyderabad, to the Petitioner's duly appointed Managing Committee pursuant to Proceeding F.No.34/Hyd/C/2013/Z-1, dated 22/01/2025, as illegal, arbitrary, mala fide, ultra vires the Waqf Act, 1995, and unconstitutional and 2. Consequently, direct the Respondents to forthwith hand over the complete charge, including records, accounts, keys, and assets of the said Masjid, to the



2026:TSHC:1778

Petitioner's Managing Committee, in strict compliance with the aforesaid Proceeding, within a time frame fixed by this Honourable Court.

IA NO: 1 OF 2025

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 immediately take action on the Petitioner's Representation dated 11-08-2025, and handover the full charge of Masjid-e-Khaja Gulshan situated at MCH No. 10-3-4, Asif Nagar, Mehdipatnam X Road, Hyderabad, to the Petitioner's Managing Committee in terms of Proceeding F.No.34/Hyd/C/2013/Z -1, dated 22-01-2025, within a time frame fixed by this Honble Court, pending the disposal of this writ petition.

Counsel for the Petitioner: SRI MOHD ISMAIL KHAN

Counsel for the Respondent No 1: GP FOR SOCIAL WELFARE

**Counsel for the Respondents No 2 & 3: SRI FARHAN AZAM KHAN,
SC FOR WAKF BOARD**

The Court made the following: ORDER



2026:TSHC:1778

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

W.P.NO. 31542 OF 2025

DATED 22.01.2026

Between

Mohammed Baquar.

... Petitioner

AND

The State of Telangana, represented by the
Principal Secretary, Minorities Welfare Department
and Two others.

... Respondents

ORDER

In this writ petition, the petitioner is seeking a writ of mandamus declaring the inaction of the respondents in not considering and acting upon the petitioner's representation dated 11.08.2025 and in not handing over charge of Masjid-e-Khaja Gulshan, MCH No.10-3-4, Asif Nagar, Mehdipatnam X Road, Hyderabad, to the petitioner, who is duly appointed as the Managing Committee pursuant to Proceeding F.No.34/Hyd/C/2013/Z-1, dated 22.01.2025, as illegal and arbitrary, ultra vires the Waqf Act, 1995 and unconstitutional and consequently to direct the respondents to forthwith handover the complete charge, including records, accounts, keys and assets of the said Masjid to the petitioner's Managing



Committee in strict compliance with the aforesaid proceeding, within a time frame fixed by this Hon'ble Court and to pass such other order or orders in the interest of justice.

2. Learned Standing Counsel for the Wakf Board submitted that the petitioner is seeking the handing over of the charge of the institution and therefore, the petitioner ought to have made a representation under Section 68(2) of the Wakf Act and that under the said provisions the representation has to be made to the District Magistrate i.e., Collector in this case. He submitted that if such a representation is made, the Collector may be directed to consider the same in accordance with law. He further pointed out that vide Panchanama dated 13.02.2025, the writ petitioner committee has already been put incharge and therefore, no further orders are required.

3. Learned counsel for the petitioner, however, submitted that the petitioner is seeking consideration of the representation under Section 54 of the Wakf Act. According to him, in spite of the end of the tenure, the earlier Managing Committee is still holding the records and has not handed over the same and therefore, the earlier Managing Committee is an encroacher and the provisions of Section 54 would apply and it



is the Chief Executive Officer of the Wakf Board who has to take a decision.

4. Having regard to the rival contentions and the material on record, this Court, from the order of appointment of the writ petitioner finds that after the end of the tenure of the earlier Managing Committee on 11.02.2023, the Wakf Board has taken control of the institution and it was under its control till the appointment of a new committee and on the appointment of a new committee, it is the duty of the Wakf Board to hand over the charge to the new committee. At the end of the tenure, the Wakf Board ought to have taken custody of all the records and it is deemed to be incharge and if without any authority, if the earlier members of the committee are holding custody, then they would become the encroachers and the petitioner has therefore made a representation under Section 54 of the Act to the Chief Executive Officer.

5. In view of the above observations, the Chief Executive Officer/respondent No.2 is directed to look into the representation of the petitioner and take appropriate action thereon expeditiously.



2026:TSHC:1778

6. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

7. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

SD/-P.PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Minorities Welfare Department, State of Telangana,.
2. The Chief Executive Officer, Telangana State Waqf Board, Haj House, Nampally, Hyderabad.
3. The Chairman, Telangana State Waqf Board, Haj House, Nampally, Hyderabad
4. One CC to SRI. MOHD ISMAIL KHAN, Advocate [OPUC]
5. Two CCs to GP FOR SOCIAL WELFARE ,High Court for the State of Telangana. [OUT]
6. One CC to SRI FARHAN AZAM KHAN, SC FOR WAKF BOARD, [OPUC]
7. Two CD Copies

DAN

TKS



2026:TSHC:1778

HIGH COURT

DATED:22/01/2026

ORDER

WP.No.31542 of 2025



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(10) *hpf*
9/2/26