

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.20800 OF 2023

ORDER:

The present Writ Petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking the following relief:

“to issue a Writ of Mandamus or any other appropriate writ declaring that the highhanded and unauthorized action of the respondents in proceeding to demolish the compound wall for the house sites of the petitioners situated in Sy.No.47 of Nunepally village of Nandyal Mandal and District without issuance of any notice and opportunity to the petitioners and at the request of the 1st respondent which is based upon a waqf gazette notification dated 24.10.1963 is arbitrary, illegal and violative of Article 300-A of the Constitution of India and consequently direct the respondents to forbear from taking up any action for demolition of the shops and houses of the petitioners in the said survey numbers without following the procedure of law and without notifying the petitioners to respond to the proposed action of the respondents and grant such other relief as it deems fit in the circumstances of the case.”

2. The short grievance of the petitioners is that the respondent authorities are attempting to demolish the compound wall for the house sites of the petitioners situated in Survey No.47 of Nunepally village of Nandyal Mandal and District without issuance of any notice and without following the procedure contemplated under law.

3. Heard Sri M.Bala Naga Srinivas, learned counsel for the petitioners, Sri Gayasuddin, learned standing counsel for Waqf

Board appearing for respondent No.1, Sri N.Ranga Reddy, learned standing counsel for Municipalities appearing for respondent No.2, learned Government Pleader for Revenue appearing for respondent No.3 and learned Government Pleader for Minority Welfare appearing for respondent No.4.

4. Learned counsel for the petitioners, in elaboration to what has been stated in the affidavit contended that, as the respondent authorities are attempting to demolish the compound wall of the petitioners without following due procedure contemplated under law, as such, the present Writ Petition is filed. He further submitted that, this Court, in similar set of facts with regard to the very same survey number, passed an order dated 06.07.2023 in Writ petition No.16289 of 2023, which is placed on record and has drawn the attention of this Court to the same and prayed to consider this Writ Petition in similar lines.

5. On the other hand, learned counsel appearing for the respondents submitted that, this Writ Petition can be disposed of in similar lines as in Writ Petition No.16289 of 2023 and prayed to pass appropriate orders in that regard.

6. Taking the submission of learned counsel for the parties into consideration and in view of the facts and circumstances of

the case and the orders passed in Writ Petition No.16289 of 2023, as there is no purpose in keeping this Writ Petition pending, this Court is inclined to dispose of the same, with the consent of learned counsel for both the parties, at the admission stage itself, with the following direction:

The respondent authorities are directed not to interfere with the petitioners' property situated in Survey No.47 of Nunepally village of Nandyal Mandal and District, except under due process of law.

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

As a sequel thereto, interlocutory applications pending, if any in the Writ Petition, shall also stand closed.

JUSTICE RAVI CHEEMALAPATI

16.08.2023

MP

185

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