

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
FRIDAY, THE TWENTY FIRST DAY OF JANUARY TWO THOUSAND AND
TWENTY TWO
:PRESENT:
THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER**

**IA No. 1 OF 2022
IN
WP NO: 2911 OF 2022**

Between:

Mohd Yousuf Ansari, S/o Mohd Maqdoom Ansari

...Petitioner(s)
(Petitioner in WP 2911 OF 2022
on the file of High Court)

AND

1. The Union of India, Rep by its General Manager, South Central Railway, Railnilayam, Secunderabad, Telangana.
2. The South Central Railway, Office of the Divisional. Railway, Rep by its Manager (Works) Hyderabad Division S. C. R., Secunderabad, Telangana.
3. The Telangana State Waqf Board, Rep. by Chief Executive Officer, Office at Razzak Manzil, Opp. Public Garden, Nampally, Hyderabad, Telangana State.

...Respondent(s)
(Respondents in-do-)

**Counsel for the Petitioner : SRI MOHD ABDUL QAVI ABBASI
Counsel for the Respondent No. 1 & 2: SRI PERI PRABHAKAR**

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 Respondent No. 2 to receive and consider the petitioner's Representation dated. 05.01.2022 and consider the same Pending disposal of WP No. 2911 of 2022, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

Heard the learned counsel for the petitioner, learned Standing Counsel for Waqf Board appearing for respondent No.3 and perused the record. There is no representation for respondent Nos.1 and 2.

Both the learned counsel would submit that there is an existing mosque in the subject premises and the land for the Mosque was let out by the Railways long back on payment of rent. Without incorporating any justifiable reason, the impugned letter No.YW/227/W.V./ENCR/ RR&CKL/EVIC/22, dated 10.01.2022, was issued by the Railways calling upon the petitioner to vacate the premises of the Mosque on or before 28.01.2022, failing which, eviction proceedings will be initiated as per the provisions of the Railways Premises (Eviction of Un-authorized Occupants) Act, 1971.

The learned Standing Counsel for Waqf Board would submit that the Waqf Board intends to take up the matter with the Railway authorities for continuation of subject mosque.

Admittedly, in the impugned letter, dated 10.01.2022, no reasons, much less justifiable reasons, were assigned by the Railways. Further, as per the submissions and the material on record, there is existence of mosque and prayers are being offered in the said mosque. Moreover, there is record to show that the land for the Mosque was given on payment of rent.

In view of these circumstances, the operation of the impugned letter No.YW/227/W.V./ENCR/RR&CKL/EVIC/22, dated 10.01.2022, is stayed, till 18.02.2022.

Notice.

//TRUE COPY//

SD/- K.VENKAIAH
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The General Manager, South Central Railway, Union of India, Railnilayam, Secunderabad, Telangana.(By RPAD)
2. The Manager (Works) South Central Railway, Office of the Divisional. Railway, Hyderabad Division S. C. R., Secunderabad, Telangana.(By RPAD)
3. The Chief Executive Officer, Telangana State Waqf Board, Office at Razzak Manzil, Opp. Public Garden, Nampally, Hyderabad, Telangana State.(By RPAD)
4. One CC to SRI. MOHD ABDUL QAVI ABBASI Advocate [OPUC]
5. One CC to SRI. P PRABHAKAR Advocate [OPUC]
6. One CC to SRI. ABU AKRAM Advocate [OPUC]
7. One spare copy

Avs

HIGH COURT

DRSAJ

DATED:21/01/2022

ORDER

I.A. NO. 1 OF 2022

IN

WP.No.2911 of 2022



DIRECTION