

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.18287 of 2013

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Dated: 31.07.2013
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Between:

Sri Javad Hussain

.. Petitioner.

and

The District Collector,
East Godavari District
and others.

.. Respondents.

Counsel for the Petitioner: Mr. V.Raja Manohar

Counsel for Respondent Nos.1 to 4: AGP for Revenue

The Court made the following:

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ORDER:

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The petitioner, who claims to be a descendant of one Imam Hussain, filed this writ petition feeling aggrieved by the inaction of respondent No.2 in preventing respondent No.6 from alienating 0.13 ½ cents in Sy.No.126 and also the lands admeasuring Ac.5.00 in Sy.Nos.405/1 and 405/2 of Mamidikuduru Village and Mandal, East Godavari District.

According to the petitioner, his distant ancestor one Imam Hussain has dedicated the immovable properties in the above-mentioned survey numbers for development of Shia Muslims residing in the vicinity of Mamidikuduru village about 500 years back and that respondent No.6, without any authority of law, is trying to alienate the said properties to third parties. The petitioner made a representation on 17.12.2012 to respondent No.2 to prevent such alienation. As no action is taken on the said representation, the petitioner filed this writ petition.

At the hearing, the learned Assistant Government Pleader for Revenue (Andhra Area), on instructions, submitted that the land in Sy.No.126 is classified as village site poramboke and that one Akram Ali has made a similar representation as the petitioner has made against respondent No.6, stating that the latter is seeking to sell away the said land to third parties without any manner of right, and that respondent No.3 has addressed a letter to respondent No.4 not to entertain any sale deeds. He submitted that in view of the said letter, no registration is

undertaken by respondent No.4 in respect of the said land.

With regard to the lands in Sy.Nos.405/1 and 405/2, the learned Assistant Government Pleader submitted that an extent of Ac.1.75 cents comprised in the said survey numbers, which is classified as Zeroithi land, belongs to respondent No.6 and that, therefore, he cannot be prevented from exercising his rights over the said land.

In view of the letter addressed by respondent No.3 to respondent No.4 relating to Sy.No.126, the registrations are stated to have been stalled. Therefore, the petitioner's grievance in this regard stands redressed. If the petitioner has any grievance with regard to the land in Sy.Nos.405/1 and 405/2, he shall be free to avail appropriate remedy before the competent court of law, seeking declaration that the said land is a wakf land and that it does not belong to respondent No.6.

Subject to the liberty given as above, the Writ Petition is disposed of.

As a sequel, WPMP.No.22320 of 2013, filed for interim relief, is disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

31.07.2013
v v