

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.10356 of 2019

ORDER:

IA No.2 of 2019 is filed by the 4th respondent, against whom the petitioner made allegations that he is trying to encroach/ occupy the wakf property in question, to vacate the interim order dated 15-05-2019 passed in WP No.10356 of 2019 by this Court.

02. Heard the learned counsel for the petitioner, the learned standing counsel for 2nd respondent-Wakf Board and the learned counsel for 4th respondent.

03. Learned counsel for the 4th respondent submits that the subject property is the same subject matter in suit OS No.784 of 2016 pending on the file of Telangana State Wakf Tribunal, Hyderabad, which was filed by one Syed Basheeruddin and 2 others seeking for declaration and recovery of possession of the property in question and the Wakf Tribunal has granted interim injunctions in IA nos.303 and 334 of 2018 vide order dated 11-01-2019, against which he filed two CRPs being CRP Nos.406 and 407 of 2019 before this Court and this Court suspended the interim injunction orders passed by the Wakf Tribunal, and suppressing these facts, the writ petitioner has filed the present writ petition making false allegations of encroachment of the subject property.

04. On the other hand, learned standing counsel for the 2nd respondent-Wakf Board submits that that petitioner has an efficacious alternative remedy under Section 83 (2) of the Wakf Act, 1995, and as a person interested in the Wakf property, he can make an application to the Wakf Tribunal for determination of any dispute, question or other matter relating to the wakf. A reading of

the writ affidavit goes to show it is as vague as can be and no particulars are given moreso; as pleaded by respondent no.4, already litigation is pending in respect of the same subject matter.

05. Inasmuch as the petitioner has an efficacious alternative remedy under the above said provision of the Wakf Act; as disputed questions of fact cannot be gone into in a proceedings under Article 226 of the Constitution of India, liberty is reserved to the petitioner to file an application under Section 83 (2) of the Wakf Act to ventilate his grievance before the Wakf Tribunal, or implead himself in OS No.784 of 2016 filed in that behalf and pending before the Wakf Tribunal, if so advised. The writ petition is accordingly disposed of and as a consequence, the interim orders granted earlier by this Court stands vacated. Miscellaneous petitions, if any, pending shall stand closed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

Dated: 31-07-2019
NRG

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10356 of 2019



//WEB//

Date: 31-07-2019



