

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 10126 OF 2020

Between:

Mir Mohammed Nazeem, S/o. Mir Mohammed Fakeer Pasha Aged about 38 years,
Occ. Private Job, R/o. H. No. 2-107, Dundigal Village, Gandimaisamma Dundigal
Mandal, Medchal Malkajgiri District, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary Revenue (Stamps and Registration) Department, Secretariat, Hyderabad.
2. The District Collector, Medchal Malkajgiri District at Keesara.
3. The Chief Executive Officer, Telangana State Waqf Board, Hyderabad.
4. The District Registrar, 2nd Floor, PBS Kapardhi Towers, Plot Nos. 1 to 8 in S.No 236 and 237, Above Reliance Fresh, Main Road, Medchal Rd, Secunderabad, Telangana 501401
5. The Tahsildar, Dundigal Gandimaisamma Mandal, Medchal Malkajgiri District.
6. The Sub Registrar, Medchal Registration Office, Medchal Malkajgiri District.

...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 a writ, order or direction more particularly in the nature of writ of mandamus declaring the respondent No. 3 and 5 in not considering the representation of the petitioner dated. 27.11.2018, 18.03.2017 for protecting the land of Ashoor Khana and Chhilla Mahboob Subhani situated in Sy. No. 247/A, 247/B, 369/A, 369/B in Dommar Pochampalli Village of Gandimaisamma Dundigal Mandal, Medchal Malkajgiri District from the hands of encroachers as being illegal, arbitrary and contrary and violation of principles of natural justice and violation of Article 14, 21 of Constitution of India as well as Waqf Act and consequently direct the 4 and 6 respondents to forthwith to stop all further registrations pertains to the situated in Sy. No. 247/A, 247/B, 369/A, 369/B in Dommar Pochampalli Village of Gandimaisamma Dundigal Mandal, Medchal Malkajgiri District by following the Office Order vide F. No. 05/MDCL/Prot/2017 dt. 01.06.2020 of the 3rd respondent.

IA NO: 1 OF 2020

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 consequently direct the 4 and 6 respondents to forthwith to stop all further registrations pertains to the situated in Sy. No. 247/A, 247/B, 369/A, 369/B in Dommar Pochampalli Village of Gandimaisamma Dundigal Mandal, Medchal Malkajgiri District by following the Office Order vide F. No. 05/MDCL/Prot/2017 dt. 01.06.2020 of the 3rd respondent, pending disposal of the writ petition.

Counsel for the Petitioner: SRI S. MALLESWARA RAO

Counsel for the Respondent Nos.1, 2 and 4 to 6: AGP FOR REVENUE

**Counsel for the Respondent No.3: SRI MIRZA SAIFULLA BAIG,
SC FOR WAKF BOARD**

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.10126 OF 2020

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein the following prayer is made:

"... to issue a writ, order or direction more particularly in the nature of writ of mandamus declaring the respondent No.3 & 5 in not considering the representation of the petitioner dated 27.11.2018, 18.03.2017 for protecting the land of Ashoor Khana and Chhilla Mahboob Subhani situated in Sy.No.247/A, 247/B, 369/A, 369/B in Dommar Pochampalli Village of Gandimaisamma Dundigal Mandal, Medchal Malkajgiri District from the hands of encroachers as being illegal, arbitrary and contrary and violation of principles of natural justice and violation of Article 14, 21 of Constitution of India as well as Waqf Act and consequently direct the 4 & 6 respondents to forthwith to stop all further registrations pertains to the situated in Sy. No.247/A, 247/B, 369/A, 369/B in Dommar Pochampalli Village of Gandimaisamma Dundigal Mandal, Medchal Malkajgiri District by following the Office Order vide F.No.05/MDCL/Prot/2017 dt. 01.06.2020 of the 3rd respondent and to pass such other order or orders ..."

2. Heard the learned counsel for the petitioner, learned Assistant Government Pleader for Revenue appearing for respondent Nos.1, 2 and 4 to 6 and perused the record.

3. Learned counsel for the petitioner would submit that some people are attempting to encroach the land of Ashoor Khana and Chhilla Mahboob Subhani in Survey Nos.247/A, 247/B, 369/A and 369/B situated at Dommar Pochampalli Village, Gandimaisamma Dundigal Mandal, Medchal-Malkajgiri District

and ultimately, prayed to direct the respondent Nos.4 to 6 to forthwith stop the registrations in respect of the lands situated in the subject Survey Numbers.

4. Learned Assistant Government Pleader for Revenue, on written instructions submitted by the Joint Sub-Registrar-I, Medchal-Malkajgiri, would submit that the subject lands in Survey Nos.247/A, 247/B, 369/A and 369/B situated at Dommar Pochampalli Village, Gandimaisamma Dundigal Mandal, Medchal-Malkajgiri District, are included in the prohibitory list by the District Registrar vide Memo No.5509/G/2008, dated 21.10.2008, and therefore, no purpose would be served in passing a positive order, as sought for in this Writ Petition.

5. As seen from the material placed on record and the submissions made, the lands in subject Survey Numbers are already included in prohibitory list, as per the orders of the District Registrar, dated 21.10.2008. Therefore, no orders need be passed in this Writ Petition. Learned counsel for the petitioner also conceded for the same.

6. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.


SD/- M.MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Revenue (Stamps and Registration) Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Medchal Malkajgiri District at Keesara.
3. The Chief Executive Officer, Telangana State Waqf Board, Hyderabad.
4. The District Registrar, 2nd Floor, PBS Kapardhi Towers, Plot Nos. 1 to 8 in S.No 236 and 237, Above Reliance Fresh, Main Road, Medchal Rd, Secunderabad, Telangana 501401
5. The Tahsildar, Dundigal Gandimaisamma Mandal, Medchal Malkajgiri District.
6. The Sub Registrar, Medchal Registration Office, Medchal Malkajgiri District.
7. One CC to Sri S. Malleswara Rao, Advocate [OPUC]
8. One CC to Sri Mirza Saifulla Baig, SC for Wakf Board, Advocate [OPUC]
9. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
10. Two CD Copies


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HIGH COURT

DATED:30/11/2020

ORDER

WP.No.10126 of 2020



DISPOSING OF THE WP
WITHOUT COSTS

SSV
12 copies
Dt 16/12/2020