



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR JUSTICE S.G.PANDIT

WRIT PETITION NO. 585 OF 2023 (GM-WAKF)

BETWEEN:

MOHAMMED AMEEN MUKHTIYAR
S/O MOHAMMED HANIF,
AGE 55 YEARS
R/AT NO.124 (NEW NO.3)
1ST MAIN, 4TH CROSS
UMMER NAGAR NAGVARA
BENGALURU-560045.

...PETITIONER

(BY SRI. HASAN MAGADI, ADV. FOR
SRI NAVEED AHMED, ADV.)

AND:

1. THE KARNATAKA STATE BOARD OF AUQAF
CUNNINGHAM ROAD
BENGALURU-560001
BY ITS CHIEF EXECUTIVE OFFICER.
2. THE MANAGING COMMITTEE
MASJID UL MUSLIMEEN AND
MASJID E UMAR BIN KHATAB
NAGAWARA MAIN ROAD
BENGALURU-560045
BY ITS SECRETARY.

...RESPONDENTS

(BY SMT. SWATHI ASHOK, ADV. FOR R1
SRI RAMAKRISHNA SRINIVASAN, ADV. FOR R2)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA, DIRECT THE R1 TO ACT





UPON THEIR OWN ORDER AND TAKE STEPS TO REMOVE THE ENCROACHMENT ON GRAVE YARD BY CONSIDERING ANNEXURE-A BEARING NO.KBW/CMC/35/BNU/2009-10 DATED 21.05.2013 AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S.G.PANDIT

ORAL ORDER

Heard learned counsel Sri.Hasan Magadi for Sri.Naveed Ahmed, learned counsel for the petitioner and learned counsel Smt.Swathi Ashok for Sri.Ramakrishna Srinivasan, learned counsel for respondent No.2. Perused the writ petition papers.

2. Petitioner is before this Court under Article 226 of the Constitution of India praying for a writ of mandamus or any other writ, directing respondent No.1 to act upon the order dated 21.05.2013 bearing No.KBW/CMC/35/BNU/2009-10 (Annexure-A) by considering the representation dated 11.10.2022.

3. Learned counsel for respondent No.2 files a memo dated 30.08.2024 today before this Court enclosing the



order dated 21.12.2017 in Appeal No.KSBW/1/BNU/CMC/2013 passed by the Karnataka State Board of Auqaf, which indicates that the order, which the petitioner wants implementation is set aside by the Appellate Authority. The petitioner suppressing the fact of setting aside order dated 21.12.2017 is before this Court seeking for a writ of mandamus to implement the order which has already been set aside by the Appellate Authority.

4. In the above circumstances, the writ petition stands **rejected**, with cost of Rs.10,000/- which shall be paid to first respondent/Karnataka State Board of Auqaf. Failing to pay the cost, the first respondent is at liberty to proceed to recover the same by initiating appropriate proceedings.

**SD/-
(S.G.PANDIT)
JUDGE**