

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI



WRIT PETITION NO: 22410 OF 2021

Between:

Patnam Priya Ramakrishna, s/o Eshwar Rao, aged about 49 years, occ
Private Employee r/o # 27/3/122, Main Road, Balajinagar, Nellore, SPSR
Nellore District

...PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Revenue (Registration and Stamps) Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Registrar, Nellore, SPSR Nellore District.
3. The Joint Sub-Registrar, Nellore, SPSR Nellore District.
4. A.P. State Wakf Board, rep. by its Chief Executive Officer, 4th floor, Imdad Ghar Wakf Complex, Kaleshwara Rao Market, Vijayawada.
5. The Inspector Auditor, Wakf, District Waqf Office, Nellore, SPSR Nellore 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 an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus to declare the inaction of the 4th respondent in taking action with regard to the deletion of the land in Sy No 773 situated in Nellore Bit-II Nellore SPSR Nellore District in spite of the

report of the 5th respondent dt 05.07.2021 bearing F No 09/IAW/NLR/22-A(1)/2016 from the prohibitory list followed by personal visits as being illegal, arbitrary, unconstitutional.

IA NO: 1 OF 2021

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 pass orders directing the No. 4 herein to pass orders pursuant to the report of the respondent No.5 dt. 05.07.2021 bearing F.No. 09/IAW/NLR/22-A(1)/2016, pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI G VENKATESWARLU

Counsel for the Respondent Nos. 1 to 3: GP FOR REGISTRATION AND STAMPS

Counsel for the Respondent Nos. 4 & 5: SRI SHAIK KHAJA BASHA (SC FOR WAKF BOARD)

The Court made the following: ORDER

APHC010368802021



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3332]

MONDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 22410/2021

Between:

Patnam Priya Ramakrishna

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. G VENKATESWARLU

Counsel for the Respondent(S):

1. MOHAMMED GAYASUDDIN

2. SHAIK KARIMULLAH (SC FOR WAKF BOARD RAYALASEEMA)

3. GP FOR REGISTRATION AND STAMPS (AP)

The Court made the following Order:

The short grievance of the petitioner is non consideration of his representation dated 08.06.2021 for the deletion of the subject property i.e., land in Sy.No.773 situated in Nellore Bit-II, Nellore, SPSR Nellore District, from the prohibitory list inspite of the report of the 5th respondent dated 05.07.2021 bearing F.No.09/IAW/NLR/22-A(1)/2016.

02. Heard Sri G.Venkateswarlu, learned counsel for the petitioner, Sri Shaik Khaja Basha, learned Standing Counsel for the WAKF Board and Sri Dileep, learned Assistant Government Pleader for Stamps and Registration.

03. Learned counsel for the petitioner while reiterating the contents of the affidavit submitted that the subject property has been included in the prohibitory list under Section 22-A (1)(c) of the Registration Act, 1908. For which a representation was made by the petitioner to the 5th respondent on 08.06.2021 for deletion of the subject property from the prohibitory list. Pursuantly, the Inspector Auditor-5th respondent verified the records, conducted physical inspection and came to a conclusion that the subject property is not the Wakf property and he forwarded the representation to the 4th respondent vide F.No.09/IAW/NLR/22-A(1)(C)/2016, dated 05.07.2021 along with the revenue records and Gazettee and Survey Commissioner Reports and requested to verify the same and take further action in that regard.

Inspite of it, the authorities have not passed any orders, it would suffice for the time being if a direction is given to respondent No.4 to consider the petitioner's representation by duly taking into consideration the proceedings of the 5th respondent dated 05.07.2021 in a time bound manner.

04. On the other hand, learned Standing Counsel for WAKF Board submitted that, so far the authorities have not passed any orders on the petitioner's representation and the writ petition can be disposed of by directing the respondent No.4 to dispose of the representation.

05. Taking their submissions into consideration, as relief sought in the present writ petition is innocuous, there is no necessity in going in to the merits and demerits of the case, this Court is inclined dispose of the writ petition by passing the following order:

The 4th respondent herein is directed to consider and dispose of the petitioner's representation dated 08.06.2021 by duly taking into consideration of the 5th respondent proceedings *vide* F.No.09/IAW/NLR/22-A(1)(C)/2016 dated 05.07.2021 in accordance with law and pass a reasoned order by providing an opportunity of personal hearing and communicate the same to the petitioners in accordance with law as expeditiously as possible not later than three months from the date of receipt of a copy of this order.

6. Accordingly, writ petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, pending if any, shall stand closed.

//TRUE COPY//

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR

Per SK
SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Registration and Stamps) Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Registrar, Nellore, SPSR Nellore District.
3. The Joint Sub-Registrar, Nellore, SPSR Nellore District.
4. The Chief Executive Officer, A.P. State Wakf Board, 4th floor, Imdad Ghar Wakf Complex, Kaleshwara Rao Market, Vijayawada.
5. The Inspector Auditor, Wakf, District Waqf Office, Nellore, SPSR Nellore District.
6. One CC to Sri G Venkateswarlu Advocate [OPUC]
7. Two CCs to GP for Registration and Stamps, High Court of Andhra Pradesh. [OUT]
8. One CC to Shaik Khaja Basha (SC for Wakf Board) [OPUC]
9. One CC to Sri Mohammed Gayasuddin Advocate [OPUC]
10. Three CD Copies

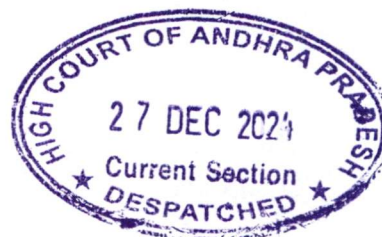
TF

HIGH COURT

DATED:09/12/2024

ORDER

WP.No.22410 of 2021



DISPOSING OF THE W.P. WITHOUT COSTS