IN THE HIGH COURT FOR THE STATE OF TELANGANA

WRIT PETITION No.2111 of 2026

(CNR.No.HBHC010038642026)

Between:

Pasham Lakshman Goud
and others.

… Petitioners

And

The State of Telangana,
reptd., by its Secretary,
Minorities Welfare and Wakf Board
Department, Hyderabad and others.

…Respondents

JUDGMENT PRONOUNCED ON 15.09.2026

HON'BLE JUSTICE LAXMI NARAYANA ALISHETTY

1. Whether Reporters of Local newspapers : Yes
   may be allowed to see the Judgment?

2. Whether the copies of judgment may be
   marked to Law Reporters/Journals? : Yes

3. Whether her Lordship wishes to
   see the fair copy of the Judgment? : Yes

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JUSTICE LAXMI NARAYANA ALISHETTY

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Department, Hyderabad and others.

.... Respondent

< Gist:

> Head Note:

! Counsel for the petitioner: Sri S.Sridhar
^ Counsel for Respondent No.2: Sri Farhan Azam Khan
^ Counsel for Respondent Nos.3 to 8: AGP for Revenue

? Cases Referred:

1. AIR 1962 SC 1893
2. (1986) 2 SCC 679
3. (1989) 2 SCC 691
4. (2013) 1 SCC 353
5. (2020) 2 SCC 569

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION No.2111 of 2026

(CNR.No.HBHC010038642026)

Reserved on 01.07.2026 Pronounced on 15.09.2026

Uploaded on 15.09.2026

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***ORDER*:**

This Writ Petition is filed seeking issuance of a writ of *Mandamus* declaring the action of the respondents in not deleting the lands i.e., land admeasuring Acs.11.06 guntas in Survey No.626, Acs.16.09 guntas in Survey No.638, Acs.3.06 guntas in survey No.639, and Acs.2.05 guntas in Survey No.640 of Chantanapally Village, Farooqnagar Mandal, Ranga Reddy District (hereinafter referred to as "subject property") from the prohibitory register maintained by them, even after passing of orders by this Court in Writ Petition.Nos.20293 of 2011 & 556 and 21889 of 2023

declaring that the subject lands are not wakf lands, as illegal, arbitrary and contrary to the provisions of the Indian Registration Act, 1908 and in violation of the Article 300A of the Constitution of India and consequently, to direct the respondents to delete the subject lands from the prohibitory register.

2. Heard Sri S.Sridhar, learned Counsel for the petitioners, Sri Farhan Azam Khan, learned Standing Counsel for Waqf Board and learned Assistant Government Pleader for Revenue.

3. Learned counsel for the petitioners submitted that the subject lands were never Waqf lands; that the lands situated in Survey Nos. 626, 638, 639 and 640 of Chantanapally Village, Farooqnagar Mandal, originally formed part of the lands held by the original pattadar; and that the revenue records, including the Sethwar and Wasool Baki Register establish the title of the petitioners' predecessor and the subsequent succession thereto.

3.1. He further submitted that the protected tenancy rights in respect of the subject lands were subsequently recognized. The petitioners rely upon the revenue records and the judgment of the Land Reforms Appellate Tribunal in Case No.230 of 1977, pursuant to which the land held by Nadikudi Ramaiah was deleted from the holding of the pattadar and the said Ramaiah was recognized as the protected tenant; and that his legal

representatives thereafter succeeded to the protected tenancy rights. This position was also confirmed by the order dated 06.06.2009 passed by respondent No.6-RDO, Shadnagar Division, in File No.K/1666/2008 and the appeal filed challenging the said order stood dismissed vide orders dated 16.05.2011 passed by respondent No.5.

3.2. Learned counsel for the petitioners further submitted that out of the land admeasuring Acs.32.26 gts held by the legal representatives of Nadikudi Ramaiah, extents of Acs.11.08 guntas and Acs.4.15 guntas were sold by them in favour of petitioners Nos.1 to 3 under registered sale deeds dated 18.07.2019 and 09.06.2020, bearing Document Nos.20501/2019 and 7467/2020, respectively; and since the date of purchase, the petitioners have been in possession and enjoyment of the said lands.

3.3. Learned counsel further submitted that petitioner Nos.1 to 3 applied for conversion of land to an extent of Acs.11.08 guntas from agricultural to non-agricultural use, and the competent authority, by order dated 07.03.2020, permitted such conversion. However, notwithstanding the aforesaid transactions and the conversion proceedings, the entire extent of Acs.32.26 guntas of land was entered as ‘wakf land’ in the prohibitory register maintained by the Sub-Registrar, Farooqnagar and on the basis of

the said entry, the sale deeds executed in favour of petitioners Nos.1 to 3 were unilaterally cancelled on 07.07.2022.

3.4. Learned counsel further submitted that earlier, W.P.Nos.20293 of 2011 and 21889 of 2023 were allowed by this Court holding that the subject lands do not constitute Waqf property. Therefore, once the very basis for treating the subject lands as Waqf property has been negatived by this Court, the continued retention of the subject lands in the prohibitory register has no legal foundation.

3.5. Learned counsel for the petitioners further submitted that the Waqf Board itself, by letter dated 15.04.2024, informed the petitioners that in view of the declaration made by this Court that the subject lands are not Waqf property, the lands no longer constitute Waqf property and that the petitioners should approach Respondent Nos.7 and 8 for deletion of the lands from the prohibitory register. Though the petitioners approached respondent Nos.7 and 8 umpteen number of times by making representation for deletion of the subject lands from the prohibited properties list, the latter have not considered the same.

3.6. Learned counsel for the petitioners submitted the respondents cannot mechanically retain an entry which has lost its legal basis. The continued prohibition on registration of the subject lands and the

consequential cancellation or invalidation of the petitioners' registered sale deeds seriously interfere with their lawful property rights. Such deprivation or restriction of property cannot be sustained except by authority of law and, therefore, attracts Article 300-A of the Constitution of India. Once this Court has already declared that the subject lands are not Waqf lands, the respondents have no authority or justification to continue to retain the said lands in the prohibitory register on the ground that they constitute Waqf property.

3.7. He further submitted that once the competent authorities had knowledge of the declaration made by this Court that the subject lands were not Waqf properties, the continued retention of the lands in the prohibitory register, despite the binding judicial declaration and the subsequent communication issued by the Waqf Board itself, is arbitrary, illegal and contrary to law.

4. Learned Standing Counsel appearing for the Waqf Board submitted that in fact, the subject land was notified as Waqf property under A.P. Gazette No.36-A, dated 04.09.2003, at Serial No. 30908 and that this Court by order, dated 20.03.2024, passed in W.P.No.20293 of 2011, had set aside the said Gazette notification insofar as the subject land is concerned and subsequently the said Gazette notification was held to be

illegal and arbitrary by this Court vide orders dated 20.03.2024 passed in W.P.No.21889 of 2023 and therefore, the Board does not seek to sustain the said notification or contend that the subject land continues to be Waqf property on the strength thereof.

4.1. He further submitted that the specific grievance of the petitioners is with regard to non-deletion of the subject land from the prohibitory list. The Chief Executive Officer of the Waqf Board has no statutory power or jurisdiction to effect such deletion and the same was expressly communicated to the petitioners by letter dated 15.04.2024. Therefore, the petitioners have to approach the authorities concerned for redressal of their grievance.

5. This Court has considered the submissions made by the learned counsel appearing for the petitioners, the learned Standing Counsel appearing for the Telangana State Waqf Board and the learned Government Pleader appearing for Revenue, and has perused the material available on record.

6. The controversy in the present writ petition pertains to the land admeasuring Ac.32.26 guntas situated in Survey Nos.626, 638, 639 and 640 of Chatanapally Village, Farooqnagar Mandal, and Ranga Reddy

District, which were notified as Waqf property under A.P. Gazette No.36-A, dated 04.09.2003, at Sl.No.30908.

7. It is not in dispute that the very same Gazette notification was challenged before this Court in W.P.No.21889 of 2023 insofar as the subject lands are concerned and this Court, by taking note of the order passed in W.P.No.20293 of 2011, allowed the said Writ Petition setting aside the impugned Gazette publication. This Court in the order passed in WPNo.21889 of 2023 specifically recorded that the Gazette notification relating to the subject lands had already been set aside in W.P.No.20293 of 2011.

8. Thus, the very foundation for treating the subject lands as Waqf property, namely, the Gazette notification dated 04.09.2003, has ceased to exist. Once the said notification has been set aside, the respondents cannot continue to treat the subject lands as Waqf property solely on the strength of the said notification.

9. At this juncture, the subsequent conduct of the Telangana State Waqf Board assumes significance. The Chief Executive Officer of the Waqf Board in his letter dated 15.04.2024, specifically referred to the judgments of this Court and acknowledged that the Gazette notification in respect of the subject lands had already been set aside, however, stated

that he has no power to delete the subject land from the prohibitory properties list and advised the petitioners to approach the Sub-Registrar concerned.

10. The said stand of the Waqf Board, despite absence of statutory power in the Chief Executive Officer to effect the deletion, cannot be construed as conferring any surviving legal status upon the earlier Waqf notification. The Board itself has accepted the legal consequence flowing from the judgments of this Court. Therefore, the question which falls for consideration is whether the entries maintained by the registration/revenue authorities can be permitted to continue notwithstanding the judicial declaration of this Court setting aside the very Gazette notification.

11. It is a settled principle that an administrative authority cannot act contrary to the law declared by a competent Court or disregard a judicial determination which has attained finality. In ***East India Commercial Co. Ltd. v. Collector of Customs***[1], the Hon'ble Supreme Court held that the law declared by a High Court is absolutely binding upon all authorities and Tribunals subordinate to its jurisdiction within that State and as such, an administrative authority cannot initiate or continue administrative proceedings that run directly contrary to a binding judicial precedent.

[1] AIR 1962 SC 1893

12. The aforesaid principle is squarely applicable to the present case.

13. Once this Court has set aside the Gazette notification dated 04.09.2003 in respect of the subject lands, the official respondents cannot continue an entry which has the effect of perpetuating the very declaration which has already been annulled by this Court. Such continuation would, in substance, amounts to giving continued effect to an order which no longer survives in law.

14. Administrative records are required to be in conformity with the legal position declared by the competent Court. A record cannot acquire independent legal validity merely because an erroneous entry has remained uncorrected.

15. The contention of the Waqf Board that it has no power to delete the entry cannot be a justification for continuation of the illegal consequence.

16. The petitioner is not seeking a direction to an authority to exercise a power which it does not possess. The relief is essentially for consequential correction of the official records by the competent authority in conformity with the binding judgments of this Court.

17. The jurisdiction under Article 226 of the Constitution is available to ensure that public authorities discharge their legal obligations and act

consistently with binding judicial orders. In ***Comptroller and Auditor General of India v. K.S. Jagannathan***[2], the Hon'ble Supreme Court recognised that the power of *Mandamus* under Article 226 is sufficiently wide to compel an authority to exercise its discretion in accordance with law and to prevent arbitrary exercise or non-exercise of statutory power. Likewise, in ***Andi Mukta Sadguru Shree Mukta Ji Vandas Ji Swami Suvarna Jayanti Mahotsav Smarak Trust v. V.R. Rudani***[3], the Hon'ble Supreme Court explained the wide amplitude of the writ of *Mandamus* where a public duty is required to be performed.

18. The present case is also required to be considered from the standpoint of the petitioners' constitutional right to property. Article 300-A mandates that no person shall be deprived of his property except in accordance with law. The Hon'ble Supreme Court in ***Tukaram Kana Joshi v. MIDC***[4], and also in ***Vidya Devi v. State of Himachal Pradesh***[5], recognised that the right to property, though no longer a fundamental right, is a constitutional right and that the State cannot interfere with such right except in accordance with law. The Supreme Court has further

[2] (1986) 2 SCC 679
[3] (1989) 2 SCC 691
[4] (2013) 1 SCC 353
[5] (2020) 2 SCC 569

reiterated that Article 300-A protects not merely physical possession, but the legally recognised incidents of property.

19. In the present case, continuation of the subject lands in the prohibitory records as Waqf property, after the Gazette notification itself has been set aside by this Court, amounts to unlawful hindrance or impediment upon the petitioners' enjoyment and dealing with the property. Such a restriction cannot be sustained in the absence of a surviving statutory or legal basis.

20. Therefore, this Court is of the considered view that the continued inclusion of the subject lands in the prohibitory register on the basis of the Gazette notification which was already set aside by this Court is unsustainable.

21. The order dated 20.03.2024 passed by this Court in W.P.No.21889 of 2023 holds good as on date and the said judicial determination binds the authorities concerned. Therefore, the petitioners cannot be deprived of the fruits even consequent of the orders passed in their favour by this Court in the earlier Writ Petition asserting their rights in respect of the subject property. Respondent Nos.7 and 8-revenue authorities should discharge their legal obligations and act consistently with the binding judicial orders of this Court, i.e., the orders passed in Writ Petition

No.21889 of 2023. In other words, respondent Nos.7 and 8 who maintain the prohibitory register are required to take consequential action in accordance with the judgments of this Court.

22. In the light of the aforesaid discussion and reasons, this Court has no hesitation to hold that the inaction of the respondents in implementing/acting in conformity with the earlier orders passed by this Court in WPNo.21889 of 2023 has driven the petitioners to knock the doors of this Court again by filing the present Writ Petition for deletion of the same from the prohibited properties list.

23. Accordingly, the Writ Petition is allowed. The respondents are directed to delete/remove the subject lands, i.e., land admeasuring Acs.11.06 guntas in Survey No.626, Acs.16.09 guntas in Survey No.638, Acs.3.06 guntas in Survey No.639, and Acs.2.05 guntas in Survey No.640 of Chantanapally Village, Farooqnagar Mandal, Ranga Reddy District, totally admeasuring Acs.32.26 guntas, of Chantanapally Village, Farooqnagar Mandal, Ranga Reddy District, from the prohibitory register/records. The competent authority shall carry out the consequential corrections in the relevant records within a period of four (4) weeks from the date of receipt of a copy of this order.

24. Miscellaneous petitions, if any pending, shall stand closed. There shall be no order as to costs.

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LAXMI NARAYANA ALISHETTY, J

Date:15.09.2026
Note:
LR copy to be marked.
B/o
Dr