

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY

: PRESENT:

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY
WP(PIL) NO: 124 OF 2020

Between:

Abid Rasool Khan, Former Chairman, State Minorities Commission, H.No.8-2-684/3/R, Road No.12, Banjara Hills, Hyderabad, Mobile No.9948477677, Email-abidrasoolkhan@gmail.com.

Petitioner

AND

1. The State of Telangana, Represented by its Chief Secretary, Secretariat, Hyderabad.
2. The State of Telangana, represented by its Principal Secretary, Minority Welfare Department, Secretariat, Hyderabad.
3. The State of Telangana, represented by Principal Secretary, Revenue Department, Secretariat, Hyderabad.
4. The State of Telangana, represented by Principal Secretary, Home Department, Secretariat, Hyderabad.
5. The District Collector, Ranga Reddy District.
6. The Tahsildar, Rajendernagar Mandal, . Ranga Reddy District.
7. The Station House Officer, Rajendernagar Police Station, Rajendernagar, Ranga Reddy District.
8. The Telangana State Wakf- Board, Represented by its Chief Executive Officer, Office at Haj House, Nampally, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the letter dated 28.05.2020 sent by the petitioner through email, the High Court may be pleased to issue an appropriate Writ, Order or Orders, more particularly in the nature of writ of Mandamus to call for remarks and records from the respondents herein relating to, in connection with the inaction of the respondents during COVID-19 lock down period; a fifty years old person by name Sri Mohd. Khaja died in Hyderabad, and family members approached the Managing Committees of five graveyards in the vicinity of Langerhouse and Sun City Rajendernagar area, seeking for a place to bury the deceased and they did not permit for burying of the deceased Sri Mohd. Khaja in the said burial grounds; and Managing Committees of the Wakf are under the control of Telangana Wakf Board and they manage the burial grounds and are vested with huge extents of lands and are being used for the welfare of the minorities including the burial grounds; by collecting huge amounts for burying the dead and misusing the amounts so collected

Consequently this Hon'ble Court may be pleased to issue necessary orders or directions to the Respondents herein for suspension of powers of the Managing Committees of the Wakfs during the COVID-19 pandemic and entrust the Management of the same to the Revenue Officials, for allotting places in the burial grounds for burying the dead muslims and further direct the Police Department to take stern action against those who refuse to allow burial of dead muslim persons in the said Burial Grounds;

The petition coming on for hearing, upon perusing the letter dated 28.05.2020 sent by the petitioner through email, and upon hearing the arguments Sri B.S. Prasad, Advocate General for the Respondent Nos. 1 to 3 and the Standing Counsel for R-4, the Court made the following.

ORDER:

This Court has received a letter from Mr. Abid Rasool Khan, Former Chairman, State Minorities Commission, wherein he has pointed out that the dead bodies belonging to minority community are not being permitted to be buried *inter alia* on the ground that they are affected due to Covid-

19. This is creating difficulties for the bereaved families. Therefore, action should be taken against those who are refusing to permit the families to intern the bodies.

Mr. B.S. Prasad, the learned Advocate General, accepts notice on behalf of respondent Nos. 1 to 3. The learned Standing Counsel appearing for the respondent No. 4 accepts notice. They seek two weeks time to file their counters.

This Court appoints Mr. Venkateswarlu Sanisetty, Advocate, as *amicus curiae* to assist this Court in the matter.

The Registry is directed to furnish a copy of the letter and the PIL to Mr. Venkateswarlu Sanisetty so that he may assist this Court in deciding the case.

List this case after two weeks.

Sd/- L.NAGA LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. Mr. Venkateswarlu Sanisetty, Advocate, as *amicus curiae*, High Court, Hyderabad (By SPL. MESSENGER along with a copy petition and all the material papers) -
2. Two CC to Advocate General, High Court, Hyderabad (OUT) -
3. Two CC to GP for Revenue, High Court, Hyderabad (OUT) -
4. Two CC to GP for Home, High Court, Hyderabad (OUT) -
5. Two CC to GP for Social Welfare, High Court, Hyderabad (OUT) -
6. Two spare copies

Csk

HIGH COURT

HCJ
&
BVRJ

DATED: 17/06/2020

NOTE: POST AFTER TWO WEEKS

ORDER

WP(PIL).No.124 of 2020

DIRECTION

