

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

MONDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 681 OF 2026

Writ Appeal under clause 15 of the Letters Patent Filed the order in I.A. No. 1 of 2024 in WP No17000/2015, dt.25/02/2026, on the file of the High Court.

Between:

Syed Nizamuddin Harooni, S/o.Syed Mad Hussaini, Aged about 61 years,
Occ- Mutavalli and Sajjada Nashin, Dargah Hazrath Sultan Ali Shah, R/o
H.No.11-11-449, Aghapura, Hyderabad

...APPELLANT

AND

1. Syed Nayeem Hussaini, S/o.Syed Asad Hussaini, Aged about 70 years,
Occ- Sajjada Nasheen of Dargah, Hazrath Syed Sultan Ali Shah Saheb (R.A),
Situated at H.No.21-4-520, Gulab Singh Bowli, Ghansi Bazar, Hyderabad,
Telangana,.
2. The Telangana State Wakf Board, Rep. by its Chief Executive Officer, Haj
House Complex, Nampally, Hyderabad.
3. The Station House Officer, P.S, Habeebnagar, Hyderabad

...RESPONDENTS

I.A. NO: 1 OF 2026

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 suspend

the order of the learned Single Judge in I.A. No.1 of 2024 in WP No17000/2015,
dt.25/02/2026, pending disposal of the Appeal.

**Counsel for the Appellant: SRI. VEDULA SRINIVAS REPRESENTS
MS VEDULA CHITRALEKHA**

**Counsel for the Respondent No.1: SRI. SHAIKH AHMED ALI
Counsel for the Respondent No.2: MS SHAHANA PARVEEN,
REPRESENTING SRI FARHAN AZAM KHAN, SC FOR TSWB**

Counsel for the Respondent No.3: SRI MAHESH RAJE, GP FOR HOME

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.681 of 2026

DATED: 13.07.2026

Between:

Syed Nizamuddin Harooni

... Appellant

AND

Syed Nayeem Hussaini and 2 others

... Respondents

JUDGMENT:

Mr. Vedula Srinivas, learned Senior Counsel represents
Ms. Vedula Chitrlekha, learned counsel for the appellant.

Mr. Shaikh Ahmed Ali, learned counsel for respondent No.1/writ
petitioner.

Mr. Mahesh Raje, learned Government Pleader for Home appears for
respondent No.3.

Ms. Shahana Parveen, learned counsel representing Mr. Farhan Azam
Khan, learned Standing Counsel for Telangana State Wakf Board, appears for
respondent No.2.

2. W.P.No.17000 of 2015 was preferred with the following prayer:

"Hence, it is prayed that this Hon'ble Court may be pleased to issue an order, direction or writ particularly one in the nature of writ of Mandamus declaring the action of the respondent No.1 in not considering my representations dated 01.04.2014 and 07.08.2014 as illegal, arbitrary, mala fide and against the principles of natural justice and violative of Articles 16 and 21 of the Constitution of India thereby consequently direct the respondent No.1 to consider my representations and set aside the

appointment of respondent No.2 as mutawalli of Durgah Hazrath Syed Sultan Ali Shah Sahab and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. I.A.No.1 of 2024 in W.P.No.17000 of 2015 was filed seeking amendment of the aforesaid prayer as under:

"To set aside the order of the Special Officer, APSWB (Now TSWB) No.195, dated 18.04.1995, proceedings F.No.68/Hyd.III/11/88, dated 19.04.1995, in consequence set aside the Andhra Pradesh Gazette No.127, dated 06.05.1995 notifying respondent No.2 herein as the Mutawalli of the subject Dargah and pass such other and further orders as deemed just and necessary in the facts and circumstances of the case."

4. By the order under appeal dated 25.02.2026, the learned writ Court has allowed the aforesaid amendment application. Being aggrieved, respondent No.2 therein has preferred this appeal.

5. Learned Senior Counsel for the appellant submits that the amendment allowed by the learned writ Court after nine years of pendency of the writ petition and in relation to a challenge to a Gazette notification published on 06.05.1995, more so, when the main prayer made by the writ petitioner was to issue a writ of Mandamus declaring the action of respondent No.1 in not considering the petitioner's representations dated 01.04.2014 and 07.08.2014 as illegal and arbitrary, was not fit to be allowed. It would not only be impermissible at this stage of the proceedings to set up totally a new cause of action but will also be hit by delay and the provisions of Order II Rule 2 of the Code of Civil Procedure, 1908 as the cause of action, which was available to the writ petitioner in 2015, if any, has not been raised or agitated for nine years. By the impugned amendment, the nature of the proceedings gets changed to the disadvantage of respondent No.2/appellant herein. Earlier, the

application filed seeking interim suspension of Mutawalliship of respondent No.2 in the same writ petition was dismissed by order dated 18.01.2016.

6. The writ petitioner has alleged serious fraud which apparently came to his light much later after filing of the writ petition. Learned counsel has drawn the attention of this Court to I.A.No.1 of 2024 in W.P.No.17000 of 2015 i.e., the amendment application specially paragraphs 10 and 14.

7. Perusal thereof, however, does not explain as to why the amendment has been sought after nine years of the filing of the writ petition when the allegations relate to a Gazette notification published on 06.05.1995, which is knowledge to one and all, and more so to a party who claims to be affected by such appointment of Mutawalli.

8. In these circumstances, the order under appeal is set aside. However, the learned writ Court would proceed with the main writ petition.

9. The writ appeal is accordingly disposed of. No order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

**SD/- MOHD. ISMAIL
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Chief Executive Officer, Telangana State Wakf Board, , Haj House Complex, Nampally, Hyderabad.
2. The Station House Officer, P.S, Habeebnagar, Hyderabad
3. One CC to SRI. VEDULA CHITRALEKHA, Advocate [OPUC]
4. One CC to SRI FARHAN AZAM KHAN, SC FOR TSWB [OPUC]
6. Two CCs to GP FOR HOME ,High Court for the State of Telangana At Hyderabad. [OUT]

7. Two CD Copies

DAN

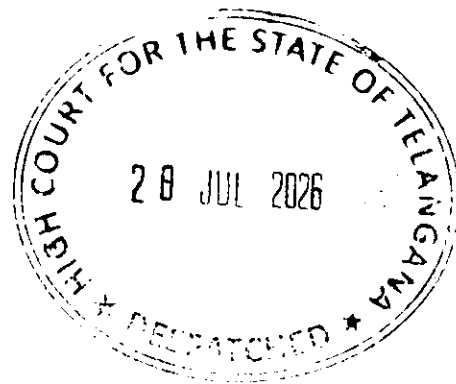
TKC

HIGH COURT

DATED: 13/07/2026

ORDER

WA.No.681 of 2026



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

⑩ MT
24/7/26