

IN THE SUPREME COURT OF INDIA

[S.C.R., Order XXII RULE 2(1)]

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION

(Under Article 136 of the Constitution of India)

S.L.P. (C) NO. OF 2020

[From the final judgment and the final judgment and order dated
15.07.2020 passed by Hon'ble High Court for the State of
Telangana, Hyderabad in W.P. No. 10335 of 2020]

(WITH PRAYER FOR INTERIM RELIEF)**BETWEEN****POSITION OF THE PARTIES**

	IN THE HIGH COURT	IN THIS HON'BLE COURT
Khaja Bilal Ahmed S/o. Sri Khaja Hassan, R/o 17-3-1/5, SRT Colony, Hyderabad, Telangana, 500023.	NOT A PARTY	PETITIONER R No.1

AND

1. The State of Telangana,

TO,
THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS
COMPANION JUSTICES OF THE HON'BLE
SUPREME COURT OF INDIA.

The humble petition of the
petitioner above-named.

1. The petitioner above-named respectfully submits this Petition seeking special leave to appeal is being preferred against the final judgment and order dated 15.07.2020 passed by Hon'ble High Court for the State of Telangana, Hyderabad in W.P. No. 10335 of 2020 vide which consent was registered between both the parties in W.P. No. 10335 of 2020, and in consequence the writ petition was disposed off at the admission stage itself.

2. **QUESTIONS OF LAW:**

The following substantial questions of the law arise for consideration by this Hon'ble Court: -

- A. Whether the Mohd. Zakeer Hussain Javid, petitioner in W.P. No. 10335 of 2020 before the Hon'ble High Court, was authorized by the Telangana State Waqf Board to give consent as it is recorded in the impugned order?
- B. Whether the Respondent no. 10 was duly authorized by the Telangana State Waqf Board to express his satisfaction that a new Mosque will be constructed within the secretariat complex?

- C. Whether the W.P. No. 10335 of 2020 filed in the Hon'ble High Court should have been dismissed on the ground of material concealment by the petitioner as he himself was the member of the Telangana State Waqf Board?
- D. Whether the fact of there being two Mosques in the secretariat complex has never been pressed before the Hon'ble High Court for the State of Telangana, Hyderabad?
- E. Whether the Hon'ble High Court for the State of Telangana, Hyderabad did not appreciate the basic tenet of the Holy Quran, Shariyat and Muslim Law that once a Mosque is always a Mosque, and the place of worship cannot be changed at the whims and caprices?

3. **DECLARATION IN TERMS OF RULE 2(2):**

The petitioner states that no other petition seeking leave to appeal has been filed against the final judgment and order dated 15.07.2020 passed by the Hon'ble High Court for the State of Telangana, Hyderabad in W.P. No. 10335 of 2020.

4. **DECLARATION IN TERMS OF RULE 4:**

The Annexures P-1 to P-5 produced along with the SLP are true copies of the pleadings/ documents which formed part of the record of the case in the Court below against whose order the leave to appeal is sought for in this petition.

5. **GROUND:**

Leave to appeal is sought for on the following grounds:

- I. Because the Hon'ble High Court overlooked that Mohd. Zakeer Hussain Javid the petitioner in the W.P. No. 10335 of 2020 had no right/capacity to give any such consent.
- II. Because the demolition of Mosques took place on 08.07.2020 and the W.P. No. 10335 of 2020 was filed before the Hon'ble High Court on 09.07.2020 by the Respondent no. 10 with ulterior motive without having any authority to give consent in the matter.
- III. Because the W.P. No. 10335 of 2020 is collusive and from the bare perusal of the writ petition, and Impugned Order the same reeks of malafide and was filed with ulterior motives.
- IV. Because the Respondent no. 11, Mohd. Zakeer Hussain Javid, had not approached the Hon'ble High Court of Telengana, Hyderabad with clean hands for the simple reason that being a petitioner in the petition he did not mention that he was a member of the Telengana State Waqf Board.
- V. Because the present case requires a thorough examination as it has been stated by the State Government pleader that the Mosque, which was in existence, collapsed under the debris of one of the Secretariat Buildings.
- VI. Because the Respondent no. 10, Mohd. Zakeer Hussain Javid, had no *locus standi* whatsoever to express his satisfaction that a new Mosque will be constructed within the Secretariat Complex.

- VII. Because the Hon'ble High Court nowhere in the impugned order has been stated that there were two Mosques - Jamia Masjid and Masjid Hashim situated within the premises of Telengana State Secretariat Hyderabad. The same is evident from the Memo of Parties in the Writ Petition No.10335/2020.
- VIII. Because the Respondent no. 10, M. Zakeer Hussain Javid claimed, claimed himself to be the representative of the two Mosques without any authority from the Telengana State Waqf Board.
- IX. According to the A.P. High Court Rules 7A a PIL can be brought before a Division Bench. Therefore, the Single Judge had no jurisdiction to adjudicate the matter.
- X. That this Hon'ble Court is requested to appoint prominent persons of the community to monitor the construction of the proposed Mosque.

6. GROUND FOR INTERIM RELIEF:

- a) Because the petitioner has prima facie a very good case on merits and has a reasonable chance of succeeding in the present proceedings. The balance of convenience is in favor of the petitioner.
- b) Because if the operation of the final judgment and order the final judgment and order dated 15.07.2020 passed by Hon'ble High Court for the State of Telangana, Hyderabad in W.P. No. 10335 of 2020 is not stayed till the disposal of the instant SLP it will cause irreparable injury to the petitioner.

7. **MAIN PRAYER:**

- a) Grant Special Leave to Appeal from the final judgment and order dated 15.07.2020 passed by Hon'ble High Court for the State of Telangana, Hyderabad in W.P. No. 10335 of 2020; and
- b) Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

8. **INTERIM RELIEF:**

- a) Grant Ad-interim ex-parte stay of operation of the final judgment and order dated 15.07.2020 passed by Hon'ble High Court for the State of Telangana, Hyderabad in W.P. No. 10335 of 2020 during the pendency of pendency of SLP; and
- b) Place where the Mosques were situated should be earmarked and preserved for the construction of the new Mosques; and
- c) Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER
AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN & FILED BY:

(ANKUR PRAKASH)
ADVOCATE FOR THE
PETITIONER

Drawn on: ~~24.08.2020~~ **24.08.2020**

Filed on: 26.08.2020

New Delhi