

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.17162 of 2015

ORDER:

This writ petition is filed challenging the proceedings of the second respondent dated 02.06.2015.

The matter was adjourned on 16.06.2015 for instructions of the second respondent, and no instructions have been received by the second respondent so far.

The petitioner is a Towliath Committee appointed pursuant to the orders of the second respondent dated 18.11.2013. The appointment of the petitioner was pursuant to a decision taken in a meeting by the Board, by its resolution dated 12.10.2013, to constitute Towliath committee for a period of five years. However, when action was taken for supersession of the committee, the petitioner filed W.P.No.35825 of 2014. This Court, by order dated 03.12.2014, suspended the order of the second respondent, dated 11.11.2014, to the extent of authorizing the Auditor Inspector of the Wakf Board to assume management of the wakf institution. However, liberty was preserved to the Wakf Board to have the matter inquired into strictly, in accordance with Section 64 of the Wakf Act (for short 'the Act'), and then take appropriate action in accordance with law. Now, the impugned order is passed appointing an enquiry officer, and suspending the Towliath Committee, for a period of ten days initially, under Section 64(5) of the Act. It further directed the Inspector Auditor Wakfs to take the subject wakf institution with its attached, movable and immovable properties under his direct control.

So far as first part of the order is concerned, learned counsel for the petitioner submits that ten days period mentioned in the order dated 02.06.2015 worked out itself and nothing

survives. In respect of second part of the order directing the Inspector Auditor Wakfs, Prakasam District, is concerned, learned counsel for the petitioner submits that, in view of the earlier order dated 03.12.2014, in W.P.No.35825 of 2014, the said order cannot be made. Though the said order was passed by this Court on 03.12.2014, pursuant to the proceedings dated 11.11.2014, I am of the opinion that, in view of appointment of the petitioner – Committee on 18.11.2013, pursuant to a decision of the Board on 12.10.2013 for a period of five years, the Inspector Auditor, Wakfs cannot be directed to assume charge without completion of enquiry.

In view of the same, the Writ Petition is allowed to the extent indicated above.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO,J

Date: 25.06.2015
usd

