

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.40933 of 2015

-
17.12.2015

Between:

Shaik Zeelani and another

.. Petitioners

and

The Andhra Pradesh State Wakf Board, Hyderabad

.. Respondent

Counsel for the petitioners: Mr.P.Roy Reddy

Counsel for the respondent: --

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The Court made the following:

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ORDER:

The petitioners claim that they were appointed as Joint *Mutawallis* of Dargah Hazrath Syed Baji Shaheed Aulia (RH), a recognized wakf institution, situated at Pedakakani Village and Mandal, Guntur District, along with four others under Section 63 of the Wakf Act, 1995 (for short 'the Act') and that besides being *Mutawallis*, the petitioners are also functioning as *Sajjada Nashin* by attending to the religious activities of the Dargah. In the wake of certain allegations made against certain persons, including the petitioners, the respondent issued proceedings, dated 11.04.2014, wherein, the Inspector Auditor (Wakfs), Guntur, was directed to take the institution under his direct control besides suspending all the *Mutawallis*. The petitioners further pleaded that on 01.05.2014, the respondent appointed an Enquiry Officer while extending the petitioners' suspension made earlier, that in a writ petition filed by the petitioners, this Court clarified that notwithstanding the orders of their suspension, they are entitled to perform their duties as *Sajjada Nashin*, that as enquiry was not being completed, they filed W.P.No.22104 of 2015 assailing the inaction of the respondent in completing the enquiry and passing an appropriate order thereon and that the said writ petition was disposed of by this Court on 24.07.2015 directing the Enquiry Officer to conclude the enquiry within thirty days of receipt of the said order. The petitioners further pleaded that in spite of the said order of this Court, the Enquiry Officer has not completed the enquiry compelling the petitioners to file Contempt Case No.1934 of 2015 and that thereafter, the Enquiry Officer has proceeded with the enquiry and passed an order on 05.11.2015, which was modified on 21.11.2015, closing the enquiry proceedings in view of the fact that the Inspector Auditor (Wakfs), Guntur, did not appear before the Enquiry Officer.

That in the meantime, the petitioners have made a representation, dated 20.11.2015, to the Principal Secretary to Government and also to the Chief Executive Officer of the respondent, requesting them to

revoke the petitioners' suspension and close the proceedings. The grievance of the petitioners is that in spite of the said representation, no action is forthcoming from the respondent.

From the above pleadings of the petitioners, it appears that the enquiry pending which they have been suspended has been completed. The respondent, being the disciplinary authority, has, therefore, to pass an appropriate final order. Therefore, the grievance of the petitioners against the alleged inaction of the respondent in passing such an order is justifiable.

Hence, the respondent is directed to pass an appropriate final order on the enquiry report, dated 05.11.2015 as modified by report, dated 21.11.2015, of the Enquiry Officer, after following due procedure under the provisions of the Act, within a period of one month from the date of receipt of a copy of this order.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.52845 of 2015 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

17th December, 2015
GHN