

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 17621 of 2015

DATED 18TH JUNE, 2015

BETWEEN

Khaja Syed Shah Saheb Peer Chisti Jagirdar

...Petitioner

And

State of Andhra Pradesh,

Rep. by its Principal Secretary,

Minority Welfare Department,

AP Secretariat, Hyderabad and anr.

...Respondents.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 17621 of 2015

ORDER:

Heard learned Counsel for the petitioner and learned Standing Counsel for the second respondent.

This Writ Petition is filed challenging the action of second respondent in continuing the petitioner under suspension from the post of Muthawalli despite

concluding the enquiry in respect of Dargha Hazrath Khawaja Syed Shah Khader Linga Saheb (RA) situated at Kowthalam, Adhoni, Kurnool district as illegal, arbitrary and in violation of Section 64(5) of the AP Wakf Act, 1995.

It is submitted by the learned Counsel for the petitioner that the enquiry initiated against the petitioner was completed and the Enquiry Officer has submitted his report long back holding that the charges levelled against the petitioner are not proved and also observing that they are found to be baseless. The learned Counsel further submitted that the petitioner also requested for his reinstatement as Mutawalli of the subject institution by revoking his suspension. It is the grievance of the petitioner that even though the enquiry officer submitted his report no action of reinstatement was taken by the second respondent. He also points out that under subsection (5) of Section 64 of the Wakf Act, 1995, the order of suspension shall be till the conclusion of the enquiry.

In view of the submission of enquiry report by the enquiry officer holding that the charges levelled against the petitioner are baseless, the further adjudication in the Writ Petition is not necessary. However, the second respondent is directed to take further steps based on the enquiry report, within a period of one week from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. The miscellaneous petitions pending consideration, if any, shall stand closed. There shall be no order as to costs.

JUSTICE A.RAMALINGESWARA RAO

Dated 18TH JUNE, 2015.

Msnrx