

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.No.36884 of 2015

Date : 25-11-2015

Between:

Smt. P. Soghra Begum .. Petitioner

And

The A.P. State Wakf Board,

Represented by its Chief Executive Officer,

Hyderabad and others .. Respondents

Counsel for petitioner : Mr. O. Manohar Reddy

Counsel for respondent Nos.1 to 3 :

The Court made the following :

**ORDER:**

The petitioner who is the Muthawalli of Jamia Mosque, Nellore Town, filed this Writ Petition feeling aggrieved by notice in F.No.IAW/NLR/19/2011, dated 14-9-2015 of respondent No.3 whereby he has directed the petitioner not to fill the lands in Sy.No.119/2 and 120/2 at Manumasiddi Nagar, Nellore Bit-1, Nellore City, Nellore District, with gravel till permission from the Chief Executive Officer of the A.P. State Wakf Board, Hyderabad, is obtained.

The main premise on which this Writ Petition is filed is that respondent No.3 has no power or jurisdiction to interfere with the

functioning of the petitioner as the Muthawalli.

The learned Standing Counsel for the A.P. State Wakf Board, on instructions, submitted that the petitioner has been trying to fill wet lands with gravel changing the nature of the lands and that therefore respondent No.3 has issued the impugned proceedings.

Under the provisions of the Wakf Act, 1995 (for short "the Act") the general administration of the Wakf property is vested in the Muthawalli. However, under Section 50 thereof, one of the duties of the Muthawalli is to carry out the directions of the Wakf Board in accordance with the provisions of the Act or any rule or order made thereunder. If the activity of a Muthawalli is found objectionable, it is not desirable for him/her to continue with such activity without convincing the Wakf Board about its legitimacy. Whether there is justification in the interference by respondent No.3 with the filling of the lands with gravel by the petitioner or not, since an objection is raised against the same, I feel it appropriate that the petitioner approaches respondent No.1 with an application for permission to resume the activity started by her. On receipt of such application, respondent No.1 shall consider the same, take a decision and communicate the same to the petitioner within two weeks of receipt of such application. Till this process is completed, the petitioner shall not continue the above mentioned activity of filling of subject lands with gravel.

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

As a sequel to the disposal of the Writ Petition, WPMP No.47509 of 2015 filed for interim relief is disposed of as infructuous.

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Justice C.V. Nagarjuna Reddy

Date : 25-11-2015

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