

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 921 of 2015

DATE: 10.02.2015

Between:

Masjid-E-Subhani Wakf Protection & Mussalies
Welfare Society Bhole Saheb Maqta .. Petitioner

And

1. The A.P. State Wakf Board
2. The Inspector Auditor
3. The Task Force Officer (V&E) .. Respondents

-
-
-
-
-

ORDER:-

The assertion of the petitioner – Masjid-E-Subhani Wakf Protection & Mussalies Welfare Society Bhole Saheb Maqta (hereinafter referred to as “the Society”) is that the 1st respondent – Wakf Board from time to time by obtaining enquiry reports from the 2nd and 3rd respondents had constituted managing committees for the petitioner-society to supervise the wakf institution as per relevant provisions of the Wakf Act, 1995. With respect to supervision of the wakf institutions in the State, the Minorities Welfare Department, issued orders in G.O.Ms.No.74, dated 20.11.2009 prescribing certain regulations namely the Andhra Pradesh Wakfs Managing Committee (Constitution, Functions and Duties) Regulations, 2009 (for short “the Regulations”). By virtue of the orders dated 07.05.2014 passed by the 1st respondent-Wakf Board, the 2nd and 3rd respondents got issued Election Notification dated 19.06.2014 as per the G.O.Ms.No.74 for constitution of new managing committee to supervise the wakf institution. While so, it is stated that the petitioner made representations on three occasions, the latest being dated 19.01.2015 to the 1st respondent and also the police authorities complaining about the possible involvement of outsiders into the affairs of management of the petitioner-society and requested him to take necessary action so as to ensure fair elections because persons who are not eligible as electorate

as per the provisions of law are intending to interfere with the affairs of the election. Now, the grievance of the petitioner is that in spite of the representation, respondent Nos.1 and 2, without passing any orders on the representation, issued Notification dated 22.12.2014 preparing draft list of Mussalies for conduct of elections and also Notification dated 16.01.2015 for conduct of election for constitution of managing committee to the petitioner. Hence, the present writ petition is filed seeking appropriate directions.

Upon perusing the counter affidavit filed on behalf of the 1st respondent – Wakf Board, this Court had specially directed the 3rd respondent to get instructions with regard to the allegation made by the petitioner as to whether the procedure contemplated under the G.O.Ms.No.74 particularly in the matter of preparation of the eligible electorate is valid or not. This precise allegation has not been answered, as such, an opportunity was given to the 1st respondent to file a better affidavit specifically dealing with the same.

Today, when the matter is taken up for hearing, the learned Standing Counsel for Wakf Board, on instructions, submits that the procedure prescribed under G.O.Ms.No. 74 was not followed and prays for liberty to the Wakf Board to correct the anomaly and proceed further.

In that view of the matter, Notification dated 22.12.2014 informing draft electoral list as consisting of 266 members as Mussalies, is quashed giving an opportunity to the respondents to prepare a fresh electoral list in accordance with the prescribed procedure and thereafter proceed with the election and constitution of the managing committee.

With the above observation, the writ petition is allowed. No order as to costs.

As a sequel to the allowing of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

10.02.2015

bcj