

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

REVIEW W.P.M.P.No.26682 OF 2015

in

WRIT PETITION No.4045 OF 2015

ORDER:

This Review W.P.M.P is filed by the 3rd respondent in the writ petition on the ground that the writ petition came to be disposed of at the stage of admission without taking into consideration of the fact that the Review petitioner is the existing Mutawalli and in case where there is a Mutawalli to a particular Wakf Institution, there cannot be a Managing Committee appointed.

In that view of the matter, the order of this Court is likely to be misconstrued by the 2nd respondent in the writ petition and there is likelihood of prejudice that is being caused to the review petitioner.

On the other hand, the learned counsel for the writ petitioner opposing to review the order passed by this Court in the main writ petition. Learned counsel for the writ petitioner submits that what all has been done by this Court in disposing of the writ petition with a direction to consider the feasibility of constituting the Managing Committee in accordance with the Wakf Act, 1995 (for short, "the Act") and the Rules made thereunder. There is no positive direction as such has been issued and he submits that if the review petitioner has any objection for constituting the Managing Committee, he may approach the Wakf Board raising his objections but he cannot prevent this Court for directing the Wakf Board to consider the feasibility of constituting the Managing Committee in accordance with the Act and the Rules made thereunder.

Having considered the rival submissions and considering the fact that the writ petition came to be disposed of at the stage of admission, I am inclined to review the order dated 15.04.2015 to the extent that the review petitioner who is the 3rd respondent in the writ

petition shall be entitled to approach the 2nd respondent-Wakf Board and file his objections with regard to the constitution of the Managing Committee. As and when such objections are filed, the same shall be considered in deciding the constitution of the Managing Committee to the Wakf Board.

Subject to the above modification, the Review M.P is ordered. No costs.

CHALLA KODANDA RAM, J

Date: 24.07.2015

Gk.

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

-
-
-
REVIEW W.P.M.P.No.26682 OF 2015
in

WRIT PETITION No.4045 OF 2015

-
-
Date: 24.07.2015