

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

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**WRIT PETITION No.40591 OF 2014**

**ORDER:**

This Writ Petition, under Article 226 of the Constitution of India, is filed to declare the action of the respondents in not including the name of the petitioner and other Mussallies' in the voters list prepared by the Pesh Imam and Mouzan of both the Jamia and the Idgah Masjid for the purpose of election of Managing Committee to Waqf Institution from 26.11.2014 to 04.12.2014, as arbitrary and illegal.

2. Grievance of the petitioner is that he is one of the Mussallies, who offers prayers at the Jamia Majid and the Edgah Majid, situated at Parkal, Warangal District, on regular basis. Respondent No.2 issued a notification vide F.No.80/Elec/Parkal/Waqf/2014, dated 25.11.2014, for enrolment of Mussallies in the list of Mussallies. In the said notification, it was specifically mentioned that the Mussallies, who desires to get enrolment in the ensuing elections, shall submit any proof of identity such as driving licence, ration card, any Government proof and Bank pass book with photo to be attested by the Pesh Imam and Mouzan on or before 04.12.2014. In pursuance of the said notification, a large number of Mussallies submitted their documents as mentioned in the notification, but their names have been eliminated in the draft Electoral list. Thereafter, respondent No.2 issued further notification on 11.12.2014 requesting all the Mussallies to make any addition/deletion/rectification to the said list on or before 17.12.2014. The said list was prepared by respondent No.2 in collusion with one Md.Asghar Ali and deliberately 232 names of Mussallies of the Jamia Majid and the Idgah Majid including the name of the petitioner were deleted from the list of Mussallies. In that regard the petitioner and Mussallies gave representation to the respondent No.2 on 15.12.2014 bringing to the notice about various commissions and omissions

particularly with regard to the elimination of a large number of 232 Mussallies' names, who are entitled to participate in the elections. Thereafter, election notification came to be issued on 22.12.2014 proposing to conduct elections on 20.01.2015. Though election notification was issued proposing to conduct election on 20.01.2015, no election as such was conducted.

3. Learned counsel for the petitioner submits that a direction may be given to the respondents to consider the objections raised by the petitioner by way of representation, dated 16.12.2014, before publishing the final electoral list.

4. On instructions, learned counsel for respondent No.1, submits that the procedure as contemplated in G.O.Ms.No.74, Minorities Welfare Wakf (111), dated 20.11.2009, would strictly be followed in conducting elections; that the electoral list would be prepared in terms of the said G.O after considering the objections raised by the petitioner; that on account of various reasons, elections which were scheduled to be held on 20.01.2015, are not conducted and they are likely to be conducted within a short span of time.

5. Recording the submissions of respective parties, the Writ Petition is disposed of with a direction to the respondents to consider the objections raised by the petitioner, particularly with reference to the omissions and commissions in preparation of electoral list. Considering the fact that objections were submitted in the month of December, 2014, the respondents shall publish final list of eligible electors within a period of two (2) weeks from today after considering the objections. There shall be no order as to costs. Miscellaneous petitions, if any, shall stand closed.

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**JUSTICE CHALLA KODANDA RAM**

**MARCH 06, 2015**  
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WRIT PETITION No.40591 OF 2014

DATE: 06.03.2015

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