

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.38528 of 2015

Dated 01.12.2015

Between:

Managing Committee Jama Masjid Shamshabad

Rep. by its Secretary Mohd.Abdul Khader

... Petitioner

and

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The State of Telangana

rep. by its Prl.Secretary

for Minority Welfare

Hyderabad and others

...Respondents

Counsel for the petitioner: Mr.Asadullah Shareef

Counsel for respondent No.1: AGP for Minority Welfare

Counsel for respondent Nos.2 & 3: AGP for Revenue (TS)

Counsel for respondent No.5: AGP for Home

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to set aside the proceeding in Memo F.No.05/RR/C/2013, dated 04-02-2015, of respondent No.4.

I have heard Mr.Asadullah Shareef, learned Counsel for the petitioner, and Mr.Safiulla Baig, learned Standing Counsel for respondent No.4- Wakf Board.

The petitioner- Committee pleaded that it was constituted by respondent No.4 *vide* Proceeding in F.No.05/RR/C/2013, dated 02-01-2014, for a period of three years. It has further averred that as respondent No.4 has been unduly interfering with its functioning, it has filed OS.No.91 of 2014 before the Andhra Pradesh State Wakf Tribunal, Hyderabad, for injunction against the defendants therein; that the said suit is pending; that based on report, dated 31-12-2014, of the Inspector/Auditor of respondent No.4, the latter has issued the impugned proceeding directing the former to conduct election for constitution of a New Managing Committee of the subject Wakf.

The main ground on which the impugned proceeding has been assailed by the petitioner is that during the subsistence of the term of the present Managing Committee, no election could be held.

Mr.Safiulla Baig, learned Standing Counsel for respondent No.4- Wakf Board, submitted that the petitioner's tenure is in currency and that it has not been superceded.

In my opinion, unless either the term of the present Managing Committee has expired or atleast the same is superceded, it is not permissible for respondent No.4 to direct holding of fresh elections.

In this view of the matter, the Writ Petition is allowed as prayed for.

As a sequel, WPMP.No.49598 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 1st December, 2015

LUR