

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.42263 of 2015

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29.12.2015

Between:

Shaik Ghouse Mohiuddin and others

.. Petitioners

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Minority Welfare Department,
Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.Abdul Muqeeth Qureshi

Counsel for respondent No.1: Government Pleader
for Minority Welfare (AP)

Counsel for respondent No.2: --

Counsel for respondent No.3: --

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The Court made the following:

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ORDER:

The petitioners claim that they were appointed as Joint *Mutawallis* of Dargah Hazrath Syed Baji Shaheed Aulia (RH), a recognized wakf institution, situated at Pedakakani Village and Mandal, Guntur District, along with four others under Section 63 of the Wakf Act, 1995 (for short 'the Act') and that besides being *Mutawallis*, the petitioners are also functioning as *Sajjada Nashin* by attending to the religious activities of the Dargah. In the wake of certain allegations made against certain persons, including the petitioners, respondent No.2 issued proceedings, dated 11.04.2014, wherein, the Inspector Auditor (Wakfs), Guntur, was directed to take the institution under his direct control besides suspending all the *Mutawallis*. The petitioners further pleaded that on 01.05.2014, respondent No.2 appointed an Enquiry Officer while extending the petitioners' suspension made earlier, that in a writ petition filed by the petitioners, this Court clarified that notwithstanding the orders of their suspension, they are entitled to perform their duties as *Sajjada Nashin* and that thereafter, the Enquiry Officer has proceeded with the enquiry and passed an order on 05.11.2015, which was modified on 21.11.2015, closing the enquiry proceedings in view of the fact that the Inspector Auditor (Wakfs), Guntur, did not appear before the Enquiry Officer. The petitioners also pleaded that they have made a representation, dated 21.12.2015, to the Special Officer of respondent No.2 marking a copy thereof to the Chief Executive Officer of respondent No.2, requesting them to revoke their suspension and close the proceedings. The grievance of the petitioners is that in spite of the said representation, no action is forthcoming from respondent No.2.

From the above pleadings of the petitioners, it appears that the enquiry pending which they have been suspended has been

completed. Respondent No.2, being the disciplinary authority, has, therefore, to pass an appropriate final order. Therefore, the grievance of the petitioners against the alleged inaction of the said respondent in passing such an order is justifiable.

Hence, respondent No.2 is directed to pass an appropriate final order on the enquiry report, dated 05.11.2015 as modified by report, dated 21.11.2015, of the Enquiry Officer, after following due procedure under the provisions of the Act, within a period of one month from the date of receipt of a copy of this order.

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

As a sequel to disposal of the writ petition, W.P.M.P.No.54522 of 2015 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

29th December, 2015
GHN