

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.5348 of 2015

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Between:

D. Md. Ashfaq

PETITIONER

AND

The Andhra Pradesh State Wakf Board,
Rep. by the Chief Executive Officer,
Office at Nampally, Hyderabad.

RESPONDENT

ORDER:

This writ petition is filed challenging the inaction of the respondent in changing the enquiry officer in the enquiry in File No.4/ANT/M2008/Z-IV/Supp-1/Enquiry in respect of Darga Hzt. Syed Shah Ali Akber Urf Mathanvali Dargah, Guntakal, Ananthapur District, as illegal and arbitrary.

The case of the petitioner is that he was appointed as Mutawalli of the Dargah Hzt. Syed Shah Ali Akbar, alias Mastanvali, Guntakal, Ananthapur District through Gazette notification. On some false complaints, the respondent suspended the petitioner as Mutawalli pending enquiry under Section 64 of the Wakf Act, 1995. It is the case of the petitioner that as per Section 64, the Chief Executive Officer himself has to conduct enquiry but he arbitrarily appointed Mr. K.A. Waheed Khan, a retired Special Grade Deputy Collector as enquiry officer. The petitioner raised objection before the Chief Executive Officer challenging the very appointment of Inquiry Officer.

The grievance of the petitioner, as can be gathered from the affidavit and submission of the learned counsel for the petitioner, is that the enquiry officer inimical against him and though the petitioner had submitted a representation dated 20.02.2015 seeking to change the enquiry officer as there is a likelihood of bias in conducting enquiry the respondent-authority had not taken any steps to change the enquiry officer. Hence the present writ petition.

Having considered the contentions of the learned counsel for the petitioner and also the learned Standing Counsel for Wakf Board, the writ petition is disposed of with a direction to the respondent to consider the representation dated 20.02.2015 submitted by the petitioner and take a decision with respect to the allegations made by

the petitioner, and pass appropriate orders in accordance with law. While making decision, the respondent-authority shall keep in mind the settled legal maxim “**justice should not only be done but should be seen to be done**”. No order as to costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

4th March, 2015
Js.