

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION Nos.6179 & 6180 of 2012

COMMON ORDER:

These two Civil Revision Petitions are filed by one Syed Asad Basha Quadri, the 1st defendant in O.S.no.92 of 2000 on the file of the A.P. State Wakf Tribunal, Hyderabad assailing the common order dated 26.07.2012 passed by the learned Presiding Officer of the Tribunal in O.S.no.101 of 1998 and in the aforementioned suit filed by the Syed Masoom Peer, the first respondent in these two Civil Revision Petitions.

I have heard the submissions of the learned counsel for the revision petitioner in both these Civil Revision Petitions. Though notice before admission was ordered, notices were not served on the respondents and none appears.

The learned counsel for the revision petitioner in both these revision petitions, while bringing to the notice of this court the fact that the first respondent-Syed Masoom Peer, who is the present Mutawalli of the subject Wakf, had died on 04.07.2015, would further submit that a vacancy for the post of Mutawalli of the subject Wakf had, therefore, arisen and that in view of the subsequent event, both these revision petitions can be disposed of directing the Wakf Board to fill up the vacant post of Mutawalli of the subject Wakf in accordance with the procedure established by law. He had also produced the original death certificate of the first respondent-Syed Masoom Peer issued by the Registrar of Births and Deaths, Circle no.4, Greater Hyderabad Municipal Corporation.

I have perused the material record. The first respondent brought both the suits claiming himself to be the duly appointed Mutawalli of the said Wakf and sought a perpetual injunction against the revision petitioner herein not to interfere with his functions as Mutawalli and also a decree declaring that the proceedings dated 23.07.1998 appointing the revision petitioner as Mutawalli for the subject Wakf/Dargah as illegal and void. The Tribunal, by

the orders impugned in both these revisions, decreed both the suits of the first respondent herein against the revision petitioner and granted a decree of declaration as prayed for and also a perpetual injunction as prayed for in favour of the first respondent and against the revision petitioner. The Tribunal, *inter alia* held that since the first respondent herein was already appointed as Mutawalli, the proceedings appointing the revision petitioner as Mutawalli in the year 1998 are liable for cancellation.

Now that the first respondent-Syed Masoom Peer had died, according to the submissions of the learned counsel for the revision petitioner, the post of Mutawalli of the suit Dargah has fallen vacant and that the Wakf Board, which is party to both these revisions, can be directed to fill up the vacancy that was caused due to the death of the first respondent by appointing a new Mutawalli for the suit Dargah. In the well considered view of this Court, the submission of the learned counsel for the revision petitioner that these revisions can be disposed of directing the Wakf Board to fill up the vacant post of Mutawalli of the suit Dargah in accordance with the procedure established by law appears to be an acceptable and suitable course, in the facts and circumstances of the cases.

Recording the aforementioned submissions of the learned counsel for the revision petitioner, both these Civil Revision Petitions are disposed of directing the A.P. State Wakf Board, Hyderabad to fill up the vacant post of Mutawalli of the suit Dargah in strict accordance with the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in both these Civil Revision Petitions shall stand closed.

M.Seetharama Murti, J

06th April, 2016
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