

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.15035 OF 2016

ORDER

Heard Sri Osman Shaheed, learned senior counsel representing Sri Mohd. Adnan, learned counsel for the petitioner, and Sri Farhan Azam Khan, learned counsel representing Sri Safiullah Baig, learned standing counsel for the Telangana State Wakf Board.

The prayer of the petitioner in this case is as under:

‘For the reasons stated in the accompanying affidavit is prayed that this Hon’ble Court may be pleased to issue an order, direction or a Writ Petition more particularly in the nature of writ of mandamus holding that the proposed election of Managing Committee of Masjid e Adalat, Kareemnagar, schedule to be held on 28-04-2016 is null and void as it is in contravention of G.O.Ms.No.74, M.W. (Wakf.III)Dept. Dated: 20-11-2009, consequently this Hon’ble Court may be pleased to set aside the election’s notification of Managing Committee of Masjid e Adalat, Kareemnagar between 24-04-2016 to 28-04-2016 may be set aside and pass such other order or orders as deemed fit and proper in the circumstances of the case and in the interest of justice.’

The specific contention of Sri Osman Shaheed, learned senior counsel, is that there is no proper electorate to proceed with the election scheduled to be held on 28.04.2016. The learned counsel appearing for the Wakf Board was therefore asked to verify this aspect.

Upon instructions, Sri Farhan Azam Khan, learned counsel, informs this Court that there is no register available indicative of the electorate, under Regulation 7 of the A.P. Wakfs Managing Committee (constitutions, functions and duties) Regulations, 2009. Sri Osman Shaheed, learned senior counsel, would point out that a finalised list of Musallies has been prepared on the basis of the prayer attendance at the Masjid e Adalat between the dates 12.04.2016 and 18.04.2016.

Regulation 7 of the A.P. Wakfs Managing Committee

(constitutions, functions and duties) Regulations, 2009 reads as under:

‘7. ELECTORATE The electorate for electing the office bearers and members of the Managing Committee shall consist of all the Mussalies borne on the Register of Musallies of the Wakf / Wakf Institution.’

In the light thereof, it is not open to the Wakf Board to hold an election on the basis of an *ad hoc* attendance sheet. The proposed election scheduled to be held on 28.04.2016 to the Managing Committee of Masjid e Adalat, Karimnagar, is therefore in violation of the statutory regulations and the Wakf Board is directed not to proceed with such election. The Wakf Board would however be at liberty to initiate a fresh election process in accordance with the due procedure to hold elections to the Managing Committee of the subject Wakf Institution.

The writ petition is disposed of accordingly. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

27th APRIL, 2016

Note: Issue C.C. today.
B/o Svv