

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Civil Revision Petition Nos.4379 & 4389 of 2015

COMMON ORDER:

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These two revision petitions under Article 227 of the Constitution of India by the unsuccessful petitioner/plaintiff are directed against the common orders dated 03.09.2015 of the learned Presiding Officer, A.P. State Wakf Tribunal, Hyderabad passed in IA.nos.230 and 231 of 2015 in OS.no.77 of 2015.

2. I have heard the submissions of the learned counsel for the revision petitioner/plaintiff ('the plaintiff', for brevity) and the learned counsel appearing for the respondents/defendants ('the defendants', for brevity). I have perused the material record.

3. The introductory facts necessary for consideration, in brief, are as follows:

The plaintiff brought the suit against the Wakf Board and the temporary Mutawalli of Dargah Hazrath Yousufain (Rh) requesting to pass a decree for perpetual injunction in favor of the plaintiff and against the second defendant, his men, agents, servants and all persons claiming through him from interfering in any manner whatsoever with the day to day performance of religious rituals and functions by the plaintiff as Sajjadanashin of Dargah Hazrath Yousufain (Rh), Nampally, Hyderabad as well as the performance of Jhela ceremony on 19th to 11th Lunar month, other religious rituals or Urs on 5th to 7th of 12th Lunar month i.e., Zilhajj every year at the Dargah Hazrath Yousufain (Rh), Nampally, Hyderabad and for a mandatory injunction. In the said suit, the subject aforementioned applications are filed respectively for ad interim mandatory injunction and temporary prohibitory injunction against the 2nd respondent. In the pleadings in the subject interlocutory applications, it is *inter alia* contended that the plaintiff is a Sajjadanashin of

Dargah Hazrath Yousufain (Rh) ('the Wakf', for brevity) and that he is also Mutawalli of the said Wakf and that his Towliath was also recognized by A.P. State Wakf Board and that he has been rendering services as Sajjadanashin of the Wakf since 13.08.1986 i.e., the date on which he was declared as a Sajjadanashin of the Wakf in the Wakf premises in the presence of Islamic Scholars and prominent Sajjadas of various Dargahs of Hyderabad and that his father was also a Mutawalli till the year 1973 and that thereafter his uncle was appointed as temporary Mutawalli as by then the plaintiff was a minor and that on the plaintiff attaining the age of majority in the year 1986, the Wakf Board recognized the plaintiff as a Mutawalli pursuant to the letter addressed by the father of the plaintiff and that he was appointed as a Mutawalli *vide* gazettee dated 28.12.1989 and that the post of Towliath is hereditary in nature and that the plaintiff is the **ninth** generation Mutawalli and that the Chief Executive Officer of the 1st respondent Wakf Board by proceedings dated 01.03.2014 had suspended the plaintiff from the post of Mutawalli pending an enquiry and that thereafter the suspension orders were extended pending enquiry and that the plaintiff had filed writ petitions in WP.no.7975 of 2014 and 11327 of 2014 respectively challenging the proceedings dated 01.03.2014 and the manner in which the enquiry officer is conducting enquiry and that the latter writ petition was disposed of directing enquiry officer to afford reasonable opportunities to the plaintiff and that the orders dated 21.05.2014 were passed by the Wakf Board removing the plaintiff from the post of Mutawalliship of the Wakf and, therefore, the right of management of the plaintiff over the Wakf properties is also lost along with the said removal and that the plaintiff had filed AS.no.7 of 2014 before the Wakf Tribunal challenging the said orders and that despite the removal of the plaintiff from the Mutawalliship, he continues to be Sajjadanashin of the subject Wakf and that the plaintiff had filed WP.no.6530 of 2014 before this Court and this Court granted orders dated 06.03.2014 protecting his rights attached to the post of Sajjadanashin inspite of orders of suspension of his status as Mutawalli and that, therefore, he is entitled to the interim reliefs claimed in the subject applications against the 2nd respondent. The 2nd respondent *inter alia* contended in his counter that the plaintiff is not

recognized as a Sajjadanashin of the Wakf by the Wakf Board and that on his removal as a Mutawalli of the Wakf, he has no locus standi or right to deal with the Wakf and its properties and that the contention that the post of Sajjadanashin is heritable is incorrect. On merits, the trial Court had dismissed both the applications of the plaintiff. Therefore, the plaintiff is before this Court.

4. At the hearing, the learned counsel for both the parties while making submissions in line with their respective contentions stated above had drawn the attention of this Court to the definition of Mutawalli as contained in the Wakf Act. Be that as it may. In the well considered view of this court, these revision petitions need not detain this Court for long. A reading of the prayers in the applications would show that the reliefs in the two applications are confined to ceremonies to be held on 04.09.2015 and also during the period from 19.09.2015 to 21.09.2015. Therefore, no purpose would be served even if the reliefs claimed are to be granted to the petitioner, as the reliefs claimed with reference to the date and the period mentioned in the petitions have become infructuous due to the passage of time. Hence, in the facts and circumstances of the case, this Court is not inclined to go into the merits of the matter and pass any orders as passing any such orders is not called for as no cause survives for adjudication in these revisions.

5. In the result, both the Civil Revision Petitions are dismissed. It is needless to mention that the plaintiff is not precluded from filing applications of similar nature in future, which the law permits, if he so desires and if he so chooses.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these revisions shall stand closed.

M.SEETHARAMA MURTI, J

6th April, 2016
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