

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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Writ Petition Nos.24471 of 2015 and 7576 of 2016

Date:31.3.2016

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W.P. No. 24471 of 2015

Between:
Mohammed Faisal Ali Shah,
Hyderabad.

.....Petitioner

And

The Andhra Pradesh State Wakf Board,
Represented by its Chief Executive Officer,
Nampally,
Hyderabad.

... Respondent

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
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Writ Petition Nos.24471 of 2015 and 7576 of 2016

PC:(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Petitioners in these writ petitions, have challenged the appointment of Abdul Fatah Syed Shah Hassan Shabbir Mohammed Mohammed-Ul-Hussaini, as Mutawalli of Dargah Hazrat Yousufain, Nampally, Hyderabad. It appears that after removal of the petitioner in Writ Petition No. 24471 of 2015 as Mutawalli, in exercise of the powers under Section 64 of the Wakf Act, 1995 (for short 'the Act'), the Wakf Board has appointed respondent No.3 in the said writ petition as Mutawalli, on temporary basis, as contemplated under Section 63 of the Act. The third respondent is holding charge as Mutawalli since 29.7.2015.

Today, we have disposed of Writ Petition No. 25661 of 2015, wherein petitioner in Writ Peition No. 24471 of 2015 challenged his order of removal as Mutawalli. That writ petition has been disposed of with direction to the Tribunal to decide the appeal within time frame. Keeping that in view, when we expressed that these writ petitions can also be disposed of by the order that we propose to pass, learned counsel for the parties have agreed for the same. Hence, we dispose of these writ petitions by the following order:

“Respondent No. 3 in Writ Petition No. 24471 of 2015, who has been appointed as Mutawalli, temporarily, shall continue to hold charge subject to the outcome of the appeal filed by the petitioner in Writ

Petition No. 24471 of 2015 bearing A.S. No. 7 of 2014. If the petitioner succeeds in the said appeal, the Tribunal may issue appropriate directions. Till the appeal is finally decided, respondent No.1-Wakf Board shall not appoint either respondent No.3 in Writ Petition No. 24471 of 2015 or any other person as permanent Mutawalli of Dargah Hazrat Yousufain, Nampally, Hyderabad.”

With these observations, the writ petitions are disposed of. It is made clear that this Court has not examined merits of the case. All contentions of the parties are kept open.

Consequently, pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

31st March, 2016

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