

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.240 of 2011

ORDER:

Heard both sides.

The core of the contention of the petitioners/applicants impugning the status of the 2nd respondent to the O.A.No.21 of 2010 is that he was not duly appointed by the Wakf Board i.e., respondent No.1 to the main suit/application, and he has no status to continue apart from Section 42 has no application, but for Section 63 of the Wakf Act 1995, that too only for a limited period and non mentioning of period also vitiates the order vide decisions-**A.P. State Wakf Board, rep. by its Chief Executive Officer, Hyderabad Vs. Mir Qamar Hasan Razvi¹** and in **Shaik Ghouse Mohiuddin Vs. State Wakf Board and Others²** and the Tribunal not properly considered.

In entertaining the revision, this Court by order dated 15.07.2011 in CRPMP.No.331 of 2011 ordered interim suspension of the operation of the impugned proceedings of the 1st respondent appointing 2nd respondent as muthawalli and the interim suspension is in force.

As the issue involved in the revision, covered by the impugned order of the lower Court is also the issue involved in the main matter, this Court felt without prejudice to the rights and contest of both parties before the Tribunal in the main matter, by extending the interim order of this Court dated 15.07.2011 in CRPMP.No.331 of 2011 till disposal of the main O.A.No.21 of 2010,

¹ 2012 (3) ALT 791

² AIR 2002 AP 344

dispose of the revision by directing the Tribunal to dispose of the main matter itself, since involving a short legal question for consideration, within a period of three (03) months from the date of receipt of this order.

Subject to the above observations, the revision petition is disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 01.09.2016
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