

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.43005 of 2015

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04.01.2016

Between:

Syed Mohiuddin Peera @ Khaja Mohiuddin

.. Petitioner

and

The Andhra Pradesh Wakf Board, Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.S.M.Subhani

Counsel for the respondents: --

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The Court made the following:

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ORDER:

The petitioner, who is a self-styled *Mutawalli* of Dargah Hzt. Syed Ali Hussain Shah Quadri (Rh) situated near Prakasam Barriage, Vijayawada, Krishna District, filed this writ petition, feeling aggrieved by the proceedings bearing F.No.18/KST/MC/2015/Z-V, dated 04.12.2015, of respondent No.1 Wakf Board, whereunder it has constituted a Managing Committee comprising 11 persons for managing the affairs of the aforesaid Dargah.

At the hearing, Mr.S.M.Subhani, learned counsel for the petitioner, has not disputed the facts that so far, the competent authority has not recognized the petitioner as *Mutawalli* and that it is not for the first time that the Managing Committee was constituted, and that even on 13.05.2013, the Committee named as Development Committee was constituted for administering the affairs of the aforesaid Dargah.

Unless the petitioner gets his status as *Mutawalli* declared through the competent authority, it is not appropriate for this Court to examine the legality or otherwise of the impugned proceedings. Moreover, under Section 83(2) of the Wakf Act, 1995 (for short 'the Act'), any *Mutawalli* person interested in a Wakf or any other person aggrieved by an order made under the Act or the Rules made thereunder, may make an application to the Wakf Tribunal for determination of any dispute, question or other matter relating to the Wakf.

In view of availability of the aforesaid effective alternative remedy to the petitioner, the Writ Petition is dismissed, without adjudicating on the legality or otherwise of the impugned proceedings, with liberty to the petitioner to avail the aforementioned remedy.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.55455 of 2015 filed by the petitioner for interim relief shall stand dismissed as

infructuous.

04th January, 2016
GHN

C.V.NAGARJUNA REDDY, J