

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.284 OF 2005

DATED : 20.12.2017

Between :

Syed Mohd.Asad S/o.Syed Munawar,
Aged about 62 yrs, Pensioner,
R/o.H.No.16-3-804, Chanchalguda,
Hyderabad & others (died per L.Rs, 2 to 5) & others

.. Petitioners

And

Syed Abdul Jaleel Ahel Akelvi,
S/o.Late Syed Mohd. Ahel Akelvi,
Aged 45 yrs, Temporary Muthawalli of Mosque Akelvi,
R/o.16-3-803, Chanchalguda, Hydereabad & another

.. Respondents



This court made the following :

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ORDER :

In this revision, petitioner challenges the Award passed by the Andhra Pradesh Wakf Tribunal, Hyderabad (for short 'the Tribunal') in O.S.No.128 of 2002. Originally petitioner complained against the 1st respondent to the 2nd respondent alleging that 1st respondent indulged in mis-appropriation of Wakf properties, declaring the properties of Wakf as personal properties and mis-using the official position. It is also alleged that the 1st respondent cannot be a Muthawalli. Based on his complaint, disciplinary action was taken against the 1st respondent resulting in his removal by order dated 29.04.2002.

2. However, the 1st respondent filed O.S.No.128 of 2002 in the Tribunal praying to declare him as Muthawali of the suit schedule Wakf Institution. The Tribunal disposed of O.S.No.128 of 2002 by order dated 27.01.2004 directing the Wakf Board to enquire from the brothers of the 1st respondent to know whether they have any objection for the 1st respondent to be appointed as a Muthawalli and if the brothers have no objection, the 1st respondent has right to get himself to be appointed as Muthawalli.

3. Petitioner challenges this order on the ground that as there are grave allegations against the 1st respondent, he cannot be appointed as Muthawalli and the Tribunal erred in granting relief in favour of the 1st respondent.

4. During pendency of this Revision, the legal representatives were brought on record on the death of petitioner.

5. The legal representatives sought leave of the Court to challenge the Award of the Tribunal, as they were not parties before the Tribunal. By order dated 18.03.2014 leave as sought was granted.

6. By proceedings dated 29.04.2002, the 1st respondent was removed from the post of Muthawalli. Aggrieved thereby he filed Appeal No.1 of 2002, before the Tribunal, which was also dismissed, by order dated 25.08.2007. Aggrieved thereby, he filed C.R.P.No.4447 of 2007. By separate order, the said C.R.P., is disposed of and the matter is remanded to the Wakf Board for consideration by the competent authority from the stage of submission of report of the enquiry officer. The 1st respondent ceased to be the Muthawalli, after the order of the Wakf Board dated 29.04.2002. Unless the 1st respondent succeeds in the pending disciplinary action, he cannot be appointed as Muthawalli.

7. In view of the same, the Court is not going into the merits of the contentions urged and entitlement of the legal heirs to contest the claim of 1st respondent for appointment as Muthawalli.

8. Accordingly, the Civil Revision Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this civil revision shall stand closed.

P.NAVEEN RAO,J

20th December, 2017
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