

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.19491 of 2017

ORDER

Challenging the appointment of the 3rd respondent as Mutawali in respect of Dargah “Hazarath Khawaja Syed Mohammed Gulam Rasool, Nayab Qibla Chisti Qalendari Mirzai (RH)” situated at Pahadi Nai, Boragpally Shareef, Taluka Vikarabad, *vide* proceedings dated 26.5.2017, the present writ petition is filed.

The said Dargah is a registered Wakf notified in A.P.Gazette on 23.02.1989. It was under Towliath of Ghulam Mohammed, who expired on 31.01.2006. After his demise, Managing Committee was constituted by the 2nd respondent *vide* order dated 13.03.2006 and one Janab Mohd. Moizuddin Chisti was appointed along with other committee members. Challenging the appointment of the said committee, the 3rd respondent submitted an application on 25.02.2006 before the 2nd respondent seeking to appoint him as Mutawali. The application of the 3rd respondent was rejected by proceedings dated 19.02.2007. The committee was continued and the term of the

committee expired. After expiry of term of the committee, the 3rd respondent was appointed as Mutawali *vide* proceedings dated 26.5.2017, copy of which is not filed along with the present writ petition.

It is the case of the petitioners that they are managing all the affairs of the said Dargah with the assistance of the pious devotees and constituted a trust *vide* registered Trust Deed dated 17.6.2016. They submitted a representation dated 11.8.2016 to the 2nd respondent for constitution of Towliath Committee to manage the affairs of the said Dargah. Pending consideration of the said application, when the 3rd respondent was appointed, the present writ petition is filed.

Learned Standing Counsel appearing for the 2nd respondent-Wakf Board submits that as the 3rd respondent is a legal heir of the deceased Mutawali, his case was considered and accordingly, he was appointed as Mutawali to manage the affairs of the Dargah and the petitioners have no right to claim them to be appointed as Mutawali.

Except claiming a right under their own Trust Deed, the petitioners have not made out any case for their appointment and they have also not filed a copy of the impugned order.

In view of the same, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

10th August, 2017
rkk

