

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.33450 OF 2017

Date 09.10.2017

Between:

Syed Affan Ali.

..... Petitioner

AND

The State of Telangana rep. by its Principal Secretary, Home
Department, Secretariat, Hyderabad and others.

.....Respondents



HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 33450 OF 2017

ORDER:

The allegation, in the writ petition, is that the complaint of the petitioner, with respect to misappropriation of funds by the President and Treasurer of Madeena Masjid at Nalgonda, has been closed observing that only a meagre amount of Rs.97,195/ had remained unaccounted by the President of Madeena Masjid Committee, Nalgonda.

Learned Counsel for the petitioner submits that, once a complaint has been made, a duty is cast on the police to cause enquiry and file final report into the Court but ought not to have closed on the ground that it involved meagre amount.

Learned Government Pleader for Home (TG), on instructions, would submit that since the petitioner's complaint was that the President and Treasurer of Madeena Masjid at Nalgonda had misappropriated to a tune of Rs.60.00 lakhs during the period 2010 – 2015 out of the income of the Masjid and, after preliminary enquiry, the Sub-Inspector of Police, CCS, Nalgonda had opined that the amount was not accounted only for a sum of Rs.97,195/-, the decision of Superintendent of police cannot be found fault with.

Having considered respective submissions, the preliminary enquiry revealed that there is non-account of

Rs.97,195/- as against the allegation of misappropriation of Rs.60.00 lakhs. I find difference between the misappropriation and non-accounting of certain sum. As the transactions relate to wakf institution, and the petitioner has an alternative remedy by resorting to the provisions of the Wakf Act, this Court does not find any infirmity in the order of Superintendent of Police, Nalgonda dated 09.08.2017.

The Writ Petition is, accordingly, closed. However, liberty is given to the petitioner to take appropriate action, if he is otherwise aggrieved. It is also made clear that the finding recorded by the Sub-Inspector of Police, CCS, Nalgonda shall only be construed as a *prima facie* opinion to examine whether any misappropriation involved warranting investigation but the same shall not be construed as either certifying the expenditure or as giving a clean chit to the management of the wakf institution. No order as to costs.

Consequently, the miscellaneous applications, if any, shall stand closed.

CHALLA KODANDA RAM, J

Dt.:09.10.2017
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