

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 27991 of 2017

Order:

Heard learned Senior Counsel Sri M.V. Suresh Kumar appearing for the petitioner and learned Standing Counsel for the respondent.

The petitioner claims to be a hereditary Sajjadanashin of the petitioner Wakf Institution and also claims to be a Muttawalli by virtue of the order passed by the Principal Senior Civil Judge, SPSR Nellore in I.A.No.661 of 2016 in O.S.No.50 of 1913 dated 06.01.2017. The petitioner states that Dargah was established in 1776 and a scheme was framed in O.S.No.50 of 1913 by the learned Subordinate Judge, Nellore for administration of Dargah. It was modified by the then Hon'ble High Court of Madras in A.S.No.200 of 1917 dated 25.04.1917. By virtue of the said modified scheme, the District Court, Nellore became the administrator. Over a period of time, the said power was delegated to the Senior Civil Judge, Nellore who administered the affairs of Darga till 05.01.2017. The petitioner claims that he was appointed as Hereditary Sajjadanashin on 17.01.2008 by the then Administrator. The petitioner also states that by virtue of the orders passed by this Court in W.P.No.19060 of 2004 dated 01.08.2007, the Wakf Board became entitled to administer the Wakf Institutions and liberty was given to the Wakf Board to approach the Subordinate Judge, SPSR Nellore district for modification of the scheme with a request to transfer the administration of the Wakf Institution in its favour. Appropriate orders were taken in the Sub-Court, as a result of which the Wakf Board become the Administrator. While so, the Wakf Board issued proceedings on 20.06.2017 directing the petitioner to pay an amount of Rs.66,51,000/- towards Wakf fund for the period from 1956 till 11.01.2017 and also issued certain guidelines

including supervision of maintenance by the Inspector Auditor of Wakf, SPSR Nellore district. The said order was challenged in W.P.No.22768 of 2017. Now, when an order is passed by the Chief Executive officer of A.P. State Wakf Board on 09.08.2017 utilizing the services of the Inspector Auditor, Wakf, SPSR Nellore district as Executive Officer for management of the petitioner Institution in addition to his normal duties, the present Writ Petition is filed.

The impugned order dated 09.08.2017 reads as follows:

“Pursuant to the orders of the Competent Authority read above, issued in exercise of powers under section 32 (b) & (c) of the Waqf Act 1995 the services of Sri Shaik Mohammed Hussain, Inspector Auditor Waqfs, SPSR Nellore District is hereby utilized as Executive Officer for the management of Waqf Institution namely Dargah Hzt. Syed Shah Haji Khaja Rahmatullah Saheb Peer @ Nayab Rasool (Rh), Annasamudrampeta, Rahmatabad, SPSR Nellore District, in addition to his normal duties, till further orders U/S 38 of the Waqf Act 1995 with a direction to ensure that the income and other property of Waqf shall be utilized to the objects and for the purposes for which such Waqf was intended or created.”

It is admitted by the petitioner that the petitioner Institution is under the administration of the Wakf Board and it has taken appropriate administrative steps for administration of the petitioner Institution. The order passed by the Chief Executive Officer on 09.08.2017 does not travel beyond the power of the Wakf Board and this Court sees no ground to interfere with the said order.

The Writ Petition is, accordingly, dismissed at the admission stage. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 22.08.2017
Nsr