

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Appeal No.176 of 2010

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

When the matter came up on 12.4.2017, at the request of learned counsel for the appellant, the matter was directed to be listed today. Today, again when the matter was called for hearing, neither is Sri Nazir Ahmed Khan, learned counsel for the appellant, present nor is there any representation on his behalf.

The appellant herein is the petitioner in the writ petition. They invoked the jurisdiction of this Court to declare the action of the A.P. State Wakf Board in publishing the notification dated 16.9.1984 as illegal and arbitrary. In the order under appeal, the learned Single Judge opined that the notification dated 16.9.1984 was subjected to challenge after a quarter century; even assuming that there were any legal or factual defects in the impugned notification, the writ petition could not be entertained at this length of time; the Wakf Act, 1995 (for short 'the Act') provided for adjudication of disputes by way of a specially constituted Tribunal; and if it was otherwise permissible, for the appellant-writ petitioner, they could avail the said remedy. The writ petition was disposed of leaving it open to the appellant-writ petitioner to avail the remedy before the Tribunal constituted under the Act, if it was otherwise permissible.

The learned Single Judge has, in our opinion, rightly refused to entertain the writ petition on the ground of inordinate delay and laches, and has relegated the appellant-writ petitioner to the alternate remedy of approaching the Wakf Tribunal, if it was otherwise permissible. In an intra-Court appeal, under Clause 15 of the Letters Patent, interference is justified only if the order under appeal suffers from a patent illegality. We find no such infirmity in the order under appeal. The writ appeal fails

and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

13th April, 2017

pnb



THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER



Writ Appeal No.176 of 2010

Date: 13.4.2017

pnb