

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.37551 of 2017

ORDER :

The case of the petitioner is that petitioner is a *Mutawalli* of Lal Masjid (*for short 'subject mosque'*) and the 2nd respondent issued proceedings dated 21.04.2016 suspending the petitioner from the post of Mutawalli pending enquiry under Section 64(4) of the Wakf Act, 1995. The grievance of the petitioner is that even though he is suspended he is entitled to discharge the religious rights under Section 64(2) of the Wakf Act, 1995. But the respondent authorities are not allowing the petitioner to discharge such rights. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner.

On the other hand, Sri Shaik Mohammed, learned Standing Counsel for the 2nd respondent produced written instructions dated 10.11.2017, wherein it is stated that appointment of petitioner as Mutawalli was set aside by order dated 12.09.2016 by the Wakf Tribunal in OA.No.8 of 2010 and the Wakf Board has also initiated enquiry against the petitioner for the irregularities committed by the petitioner. Further, the suit filed by the petitioner in OS.No.31/2010 seeking perpetual injunction against the defendants from interfering into the management of the subject mosque was also dismissed. It is also stated in the written instructions that the A.P.State Wakf Board has taken the Mosque under its direct management and control and that petitioner

without making any representation before the 2nd respondent has approached this Court directly by filing the present writ petition.

In view of the above, if petitioner wants to discharge religious rights of the subject mosque under Section 64(2) of the Wakf Act, it is open for the petitioner to make application to the 2nd respondent in respect of his grievance and on such application being made, the 2nd respondent is directed to consider the same and pass orders, within one week from the date of receipt of application.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

13.11.2017
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A.RAJASHEKER REDDY, J