

THE HON'BLE SRI JUSTICE SANJAY KUMAR
CIVIL REVISION PETITION NO.1077 OF 2018

ORDER

This civil revision petition under Article 227 of the Constitution arises out of the order dated 02.02.2018 passed by the Telangana State Wakf Tribunal, Hyderabad, in I.A.No.470 of 2017 in O.S.No.65 of 2017. The said suit was filed by the first respondent herein seeking an injunction restraining defendants 1 to 5 from interfering, meddling or creating nuisance in the suit schedule property affairs. The suit schedule was shown as the premises of Masjid-e-Quadria, situated at Vanasthalipuram, Hayathnagar Mandal, Ranga Reddy District. The plaintiff claimed to be the duly constituted Managing Committee of the said Wakf Institution, Masjid-e-Quadria. By way of I.A.No.470 of 2017 filed therein, the plaintiff Managing Committee sought an ad interim injunction restraining the defendants in the suit from interfering, meddling or creating nuisance in the management of the Wakf Institution. By the order under revision, the Wakf Tribunal granted an ad interim injunction as prayed for. Aggrieved thereby, defendants 1 to 5 in the suit filed this revision.

Heard Sri Mohd. Osman Shaheed, learned counsel for the petitioners/defendants 1 to 5, and Sri Vedula Srinivas, learned counsel for the first respondent/plaintiff.

Sri Mohd. Osman Shaheed, learned counsel, would fairly concede that a point had not been raised before the Tribunal as to whether the plaintiff Managing Committee was constituted in terms of Regulation 5 of the Andhra Pradesh Wakfs Managing Committee (Constitutions, Functions and Duties) Regulations, 2009 but it was raised before this Court and accepting the

same, this Court granted interim suspension of the order under revision, *vide* order dated 23.02.2018.

Sri Vedula Srinivas, learned counsel, would however contend that the petitioners/defendants 1 to 5 did not even lay a claim that they constitute a Managing Committee which can trace its origin to the Wakf Board in terms of Regulation 3 of the aforestated Regulations.

The Wakf Board is empowered to establish a Managing Committee whenever it considers necessary for a Wakf Institution. Regulation 5 states that the Managing Committee for a Wakf Institution may be constituted either by approving the panel unanimously selected by the mussalies and certified by the Inspector Auditor of the Board or by resorting to an election from amongst the mussalies of the Wakf Institution in the absence of a unanimous panel.

It is the case of Sri Mohd. Osman Shaheed, learned counsel, that the first respondent/plaintiff Managing Committee was not constituted in accordance with the aforestated Regulations and therefore, it can have no locus to maintain a suit or seek interim relief therein.

As the Tribunal did not go into this aspect of the matter due to the fact that it was not raised before it, but as this Court is of the opinion that the same has an impact on the very maintainability of the suit, it would be appropriate for the Tribunal to consider the said aspect at least at this stage.

The civil revision petition is accordingly allowed and the order under revision is set aside. I.A.No.470 of 2017 in O.S.No.65 of 2017 is restored to the file of the Telangana State Wakf Tribunal, Hyderabad, for consideration afresh on its own merits and in accordance with law, keeping in mind the observations made hereinabove. As this is second consideration of the said

I.A., the Tribunal shall endeavour to dispose it of expeditiously and preferably within four weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

6th JULY, 2018

Sv

