

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO.5988 OF 2018

ORDER:

The petitioner states that the Wakf institution namely Nageena Mosque situated at Kothapeta, Kakinada Town, East Godavari district is a notified Wakf published in the Andhra Pradesh Gazette Part-II dated 19.4.1962. A Managing Committee was constituted on 11.3.2016 for a period of two years with eleven members under the Presidentship of the deponent of the affidavit filed along with the Writ Petition. The term of the Committee has come to an end and even before the expiry of the term, the petitioner submitted representations on 6.1.2018 on 29.1.2018. It is further stated that the local Member of Legislative Assembly of Kakinada Constituency appears to have sent proposals on 10.1.2018 by submitting a panel. In those circumstances, the present Writ Petition was filed for consideration of the representations of the petitioner dated 6.1.2018 and 29.1.2018.

Now a counter affidavit is filed by the respondent objecting to the maintainability of the Writ Petition on the ground of non impleadment of the State of Andhra Pradesh as a party to the present Writ Petition. However, it is asserted that the respondent would discharge the duties under the

provisions of Wakf Act and the Rules framed thereunder. It is also stated that the panel submitted by the petitioner was not certified by the Inspector Auditor of Wakf and it was not approved by the mussallies. The Board would follow the procedure contemplated under the Act while constituting the Managing Committee. The representation of the local Member of Legislative Assembly also will not be having any binding effect on the Wakf Board as the Wakf Board is an autonomous body. It is ultimately stated that the Board would not deviate the statutory rules and accept any panel in violation of the rules.

Learned counsel for the petitioner relied on a decision of a Division Bench of this Court in the case of *INTEZAMI COMMITTEE MAZID-E-OSMANIA, REP. BY ITS GENERAL SECRETARY v. A.P. STATE WAKF BOARD, REP. BY ITS SECRETARY AND ANR.*<sup>1</sup> and submitted that the Committee cannot be constituted on the recommendation of the local Member of the Legislative Assembly but has to be done in accordance with the provisions of the Act.

As per the averments in the counter affidavit filed by the respondent, it is reiterated that the respondent is a statutory body and would take a decision in accordance with the provisions of the Act and rules made thereunder. In view of

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<sup>1</sup> 1996 (2) ALD 661 (D.B.)

the same, there cannot be any basis for apprehension of the Writ Petitioner, but since the term of the earlier appointed Managing Committee has come to an end, the respondent is directed to take an appropriate decision as expeditiously as possible but not later than four weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly, disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

Date: 12.3.2018

KPM

A. RAMALINGESWARA RAO,J

