

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.7655 OF 2018

ORDER:

1. The deponent is stated to be the Secretary of the petitioner Society and filed the present Writ Petition challenging the Notice (Notification) dated 6.2.2018 issued by the 3rd respondent.

2. The petitioner states that objections were filed to the said Notification within the time prescribed, on 14.2.2018.

3. It is the case of the petitioner that the petitioner Society purchased open land of an extent of 409 square yards and constructed a building with house No.20-11-33 and 20-11-33A, Magestic Street, Kakinada Town and Mandal, East Godavari district. The said building is being used as an Ashoorkhana and a small Mosque. The Mosque is being used by Jafari sect of Shia Muslims.

3. The petitioner further states that on an earlier occasion, the 3rd respondent issued a notice on 10.2.2017 for registration of the Society under the provisions of Wakf Act, 1995 and a reply was submitted on 25.3.2017 stating that the institution does not come within the purview of Wakf Act, 1995 and it need not be registered under the provisions of Wakf Act, 1995. However, no action was taken. But now, a Notification is issued on 6.2.2018 inviting claims and objections for registration of the said institution.

4. Learned counsel for the petitioner submits that in the absence of any Wakf Board, the 3rd respondent has no jurisdiction to issue

the present Notification and he wants to submit additional objections as supplement to the objections already filed on 14.2.2018.

5. Learned counsel for the 3rd respondent submits that no final decision has been taken pursuant to the Notification dated 6.2.2108 and the objections received.

6. In view of the same, in order to give full opportunity to the petitioner, the petitioner may be permitted to submit additional objections if any, within seven days from the date of receipt of a copy of this order and it is needless to observe that the 3rd respondent shall consider the said objections and pass appropriate orders pursuant to the Notification dated 6.2.2018 in accordance with law.

7. The Writ Petition is accordingly, disposed of.

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

A. RAMALINGESWARA RAO,J

Date: 8.3.2018

NOTE:

Issue CC in 3 days
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KPM