

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.12323 OF 2018

Date: 12.04.2018

Between:

Mohd. Shoukath Ali S/o. Ghouse Saheb,
Aged about 45 years, r/o. H.no.47-1-40,
Ghouse Complex, Ongole, Prakasam District.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its
Principal Secretary, Minorities Welfare
Department, Secretariat, Hyderabad and
others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims to be permanent resident of Prakasam district and regularly visits Jamia Masjid. Jamia Masjid is notified as Wakf property. Grievance of petitioner in the present writ petitioner is against the action of respondents in proposing to renew the Managing Committee to this Jamia Committee without considering objections raised by the locality people though written representation is made on 13.03.2018. According to the averments made in the affidavit filed in support of writ petition, petitioner alleges that existing committee has not shown any interest in developing of Jamia Masjid; that Committee sold away valuable shops belonging to Jamia Masjid; that Managing Committee should be constituted with the people, who regularly doing prayers and pious persons, but strangely the members in the present Managing Committee belongs to one family and that too in different areas. Copy of the complaint alleged to have been filed by several people is enclosed as Exhibit P1. In the complaint also, several allegations are made.

2. Whether there is merit in the allegations and whether existing committee has committed illegalities is for the Wakf Board to consider and take further course of action.

3. The only issue for consideration in the present writ petition is with reference to the election of Managing Committee for a Wakf Institution. Regulation-5 of Andhra Pradesh Wakfs Managing Committee (Constitutions, Functions and Duties) Regulations, 2009 (Regulations 2009) deals with constitution of Managing

Committee, various methods are indicated in the regulation; first method is by approving the panel unanimously selected by the Mussalies and certified by the Inspector-Audit of the Board, secondly in the absence of unanimous panel, through election among the mussalies. The elections should be conducted under the control and supervision of Inspector-Audit of the Board.

4. It appears, unanimous resolution is received from the Mussalies of Wakf Institution and is pending consideration of the Wakf Board.

5. If there is unanimous resolution by the Mussalies, the Wakf Board has to accept the said recommendation and it has no other option. Learned counsel for petitioner sought to place reliance on Regulation 22 to contend that since objections are already filed, said objections ought to have been considered and, therefore, no renewal can be granted, if there are objections. Regulation 22 is applicable if the Board takes a decision to grant renewal to the existing committee. In the case on hand, no such decision is taken by the Board. Therefore, Regulation 22 is not attracted. Regulation 5 does not deal with the contingencies to consider complaints, if any filed against functioning of existing committee.

6. Thus, relief prayed in the writ petition is misconceived. Therefore, Writ Petition is dismissed. Pending Miscellaneous petitions shall stand closed. No costs.

JUSTICE P.NAVEEN RAO

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