

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.33688 OF 2018

ORDER:

The present writ petition came to be filed seeking to direct the 2nd respondent Wakf Board to constitute a Managing Committee by following the Regulations i.e A.P. Wakf Managing Committees (Constitution, Function and Duties) Regulations, 2009, without getting any political influence in respect of Wakf Mosque, situated at Bhudwarpet, Kurnool.

As seen from the averments made in the affidavit filed in support of the writ petition, originally one Syed Pasha Bibi Saheba was recognized and notified as a Mutawallia who died in the year 1978 and thereafter, his son S.M. Basha was appointed as Mutawalli in the year 1985. In the year 1996, the said, Mutawalli S.M. Basha was removed from the post of the Mutawalli and institution was taken under direct management vide proceedings dated 22.8.1996. Later, one Syed Hyderul Hasan Quadri approached the Wakf Board seeking reorganization of rights as Mutawalli which was rejected by the Wakf Board by proceedings dated 22.10.2016. Aggrieved by the same, the said Syed Hyderul Hasan Quadri preferred O.A.No.3 of 2017 on the file of A.P. State Wakf Tribunal at Hyderabad which was also dismissed against which a Civil Revision Petition No.662 of 2018, came to be filed before this Court and the same is pending. It is said that after the rejection of claim of the Syed Hyderul Hasan Quadri, the institution is suffering with lack of proper management and administration, though regular members of congregation are managing the institution and as it requires better and statutory management regular Musallies decided to constitute a committee as per Regulation 5 of A.P. Wakf Managing Committee (Constitutions, Functions and Duties) Regulations, 2009 (for short, "the Regulations, 2009"). They submitted a representation along with a panel, for constitution of Managing

Committee, on 19.12.2017, and on such representation as required under Regulation 5(i) of the Regulations, a report was called for from the Inspector (Auditor) of Wakf, who submitted the factual report on 12.2.2018, certifying the panel submitted by local Musallies as required under Regulation 5(ii) of the Regulations. While things stood thus, when the Committee is about to constitute a Managing Committee, some vested interested persons appear to have approached the Member of Parliament, Kurnool, by making a representation on 29.7.2018, for constitution of Committee and in turn the said Member of Parliament recommended for constitution of Managing Committee of his choicest persons. Consequently, the Wakf Board, through a Memo dated 16.8.2018, again called for a report from its Deputy Secretary and the matter is under process. Hence, the grievance of the petitioner appears to be that the Wakf Board, is likely to constitute a Managing Committee, basing on the recommendations, made by the Member of Parliament, violating the Regulations, 2009.

Learned Standing Counsel for the Wakf Board strongly disputes the contentions of the petitioner.

A perusal of the record would clearly indicate that the petitioner filed the present writ petition anticipating that a Managing Committee would be constituted basing on the letter given by the Member of Parliament, Kurnool, this Court is of the opinion that the request made herein is a premature one. Hence, I see no merits in the writ petition and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs. As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

C. PRAVEEN KUMAR, J

Dated:19.09.2018.
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