

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 42407 of 2018

Date : 26.11.2018

Between:

Syed Abdul Moulali S/o Nurulla Aged 48 years Occ General
Body Member Small Masjid Ittehad Committee R/o 2375/5
21st Ward Chinna Masjid Street Bhimavaram West Godavari
District

Petitioner

And

The State of Andhra Pradesh
Rep by its Principal Secretary BC and Minority Welfare
Department Secretariat Velagapudi Amaravathi Guntur
District & others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner claims to be member of General Body of the Small Masjid Ittehad Committee, Bhimavaram. This writ petition is filed praying to declare the action of second respondent in appointing the management committee to Choti Masjid, Bhimavaram under Section 18 of the Wakf Act, 1995 as illegal and unconstitutional and seeks consequential direction to second respondent not to interfere with the administrative affairs of Choti Masjid, Bhimavaram.

2. Apparently, so far no decision is taken by the Board. Even before the Board exercised its power under Section 18 of the Act, the Court cannot direct the Board to act in a particular manner. The petitioner cannot invoke the jurisdiction of this Court to prevent competent authority from taking decision. Decision of the Board has to be tested within the parameters of judicial review after such a decision is made. Further, the Committee in whose favour, petitioner apprehends that, the Board is likely to take decision, is not made a party. Hence, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed, leaving it open to petitioner to avail the appropriate remedies as available in law, as and when decision is made by the competent authority. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 26-11-2018
TVK

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