

HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT

WRIT APPEAL No.1617 OF 2018

JUDGMENT: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr.P.Venugopal, learned senior counsel holding for Mr.SM.Subhani for appellant and Mr.Arifullah for respondents.

The writ petitioner is the appellant. The appellant challenged proceedings F. No. 05/M/KNL/2015/Z IV dated 26-04-2016 and also the proceedings F. No. 05/M/KNL/2015/ZIV/Supply dated 24-09-2018, as illegal, arbitrary and contrary to the Wakf Act, 1995 (for short 'the Act'). The operative portion of the order under appeal grants liberty to appellant to avail the remedy against these impugned orders before the A.P. Wakf Tribunal constituted under Section 83 of the Act.

After appreciating the nature of controversy between parties and the scope of enquiry, we could not be persuaded by the appellant to take a different view. The learned Single Judge has ultimately relegated the petitioner to statutory remedy i.e., to the comprehensive jurisdiction of the Wakf Tribunal in terms of the Act. Having seen that there is no legal infirmity or jurisdictional error committed in the order under appeal, the writ appeal fails and is dismissed. However, we clarify that the appellant approaches the Wakf Tribunal in any lawfully instituted proceedings and in such proceedings, the Tribunal may consider an application filed for interim relief, in accordance with law.

The learned standing counsel for the Wakf Board submits that appointment of Executive Officer would not result in removal of Muthavalli and, therefore, no notice is required for such pre-decisional notice to be given to Muthavalli. It is further submitted by the learned standing counsel that an enquiry has been instituted by the Wakf Board as against Muthavalli. We record these submissions.

As a sequel thereto, miscellaneous petitions, if any, pending stand closed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

Date:06.12.2018
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