

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.44077 OF 2018

Date:13.12.2018

Between:

Hannora Sadik Vali, S/o. Hannora
Ibrahim Saheb, R/o. H.No.10-10-3/1,
Ram Nagar Brahmin Street,
Visakhapatnam

.. Petitioner

And

The State of Andhra Pradesh, rep.,
by its Principal Secretary, Minority
Welfare Department, Velagapudi,
Guntur District and others

.. Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioner; learned Government Pleader for Minority Welfare for respondent No.1; Sri Arifullah, learned Standing Counsel for Wakf Board for respondents 2 to 4 and Sri S.M. Subhan, learned Standing Counsel for respondent No.5.

2. Petitioner claims to be a Musalli of the Madarsa Darul Uloom Ishaquiya Nooriya, respondent No.5, situated at Balacheruvu, Gajuwaka Mandal, Visakhapatnam. He challenges the proceedings, dated 11.09.2018, of the Chief Executive Officer, A.P. State Waqf Board, whereunder the orders appointing a Committee to run respondent No.5 – Madarsa were issued.

3. It appears, the functioning of respondent No.5 – Madarsa was directly taken over by the Board and Board was directly administering the affairs of respondent No.5. By these proceedings, committee is constituted to look after the affairs of respondent No.5 - Madarsa.

4. Learned counsel for the petitioner does not dispute the competency of the Board in appointing a Committee and competency of the Chief Executive Officer to issue consequential proceedings in compliance of the decision taken by the Board.

5. Section 18 of the Wakf Act, 1995 (for short, 'the Act') vests power in the Board to constitute Committees to manage the wakf institutions. Andhra Pradesh Wakf Managing Committee (Constitutions, Functions and Duties) Regulations, 2009 prescribe

the procedure for appointment of Committees. According to these Regulations, if an existing Committee requests for renewal of its term or if there are rival claims, the Board has to conduct elections to elect a Committee. In the case on hand, neither of these contingencies have arisen. There is no provision dealing with present contingency.

6. Against any decision made by the Board, remedy is provided under Section 83 of the Act before Wakf Tribunal. Therefore, petitioner has an effective and efficacious remedy to ventilate his grievance and it is for the Wakf Tribunal to consider and adjudicate on the grievance ventilated by the petitioner. The Court is not inclined to entertain the Writ Petition, since the petitioner has an effective and efficacious remedy available under Section 83 of the Act.

7. At this stage, learned counsel for the petitioner sought to contend that the President of the Committee now appointed is already looking after the affairs of some other institution and such person could not have been appointed. This is a matter which requires consideration after affording due opportunity to the said person. This issue can also be adjudicated before the Wakf Tribunal.

8. Thus, leaving it open on the petitioner to avail the remedy provided under Section 83 of the Act against the decision impugned in the Writ Petition, the Writ Petition is dismissed. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:13.12.2018

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