

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.19704 OF 2019

ORDER

Challenging the enquiry report dated 03.05.2019 submitted by the Inspector Auditor (Waqfs) against the petitioner, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that initiation of the inquiry against the petitioner, and the report submitted by the 3rd respondent dated 03.05.2019, are not in accordance with the procedure prescribed under Sections 70 and 71 of the Wakf Act, 1995, and Rule 24 of the Wakf Rules, 2000. He submits that as per the said provisions, the inquiry has to be initiated by the Wakf Board, but in the present case, the Chief Executive Officer himself issued memos for conducting of inquiry by 3rd respondent, and the 3rd respondent conducted inquiry and submitted report dated 03.05.2019. In view of the same, the inquiry report submitted by the 3rd respondent is in violation of the provisions of Act of 1995, and hence the same is illegal and arbitrary.

Mr. Farhan Azam Khan, learned Standing Counsel for respondents 2 and 3 – Wakf Board, could not dispute the above submission of the learned counsel for the petitioner.

Having regard to the facts and circumstances of the case and the submissions of the learned counsel, the inquiry report dated 03.05.2019, submitted by the 3rd respondent is set aside and the writ petition is accordingly allowed.

It is made clear that this order will not preclude the respondents from initiating appropriate action in accordance with law.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:11—09—2019
AVS