

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20846 OF 2019

ORDER:

This writ petition is filed seeking to stay the judgment dated 25-06-2019 in granting Qula in favour of the 3rd respondent by Secretary, Sada E Haq Sharee Council.

Learned Standing Counsel for respondent-Wakf board submits that the body which issued the impugned proceedings is a private body, it is not a State within the meaning of Article 12, as such writ petition is not maintainable and Waif board has no role in this matter.

Heard learned counsel for the petitioner, who, submits that the 2nd respondent has no authority to pronounce the judgment, which is impugned in the writ petition, the same is illegal, arbitrary and without authority of law.

In this case it is to be seen that the 2nd respondent has not cited any provision of law showing its authority to render judgment in between the parties. A reading of the impugned judgment goes to show that there is no reference of any provision of law or any enactment under which the said body is empowered to give such judgment/opinion.

In view of the same, the writ petition is misconceived. Since already the parties are before the family Court by way of filing petitions for divorce and restitution of conjugal rights respectively and they can always agitate before the concerned Court about the binding force and relevancy of the impugned judgment, if they rely on it and the civil Court can go into the said aspect.

With the above observations, the writ petition is disposed of. As a sequel, miscellaneous petitions pending if any shall stand closed.

A.RAJASHEKER REDDY,J

27-09-2019

Nvl



