

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 16532 OF 2024

Between:

The Edgah and Edgah Complex Makka Masjid Committee, Rep by its President, Syed Azeemuddin S/o.Late.Syed Macidoom Age 64 years, occ. Business./ R/o.H.No.9-138, Gandhibazar, Devarakonda Nalgonda District...

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary Minorities Welfare Department Government of Telangana Secretariat Hyderabad
2. The Telangana State Waqf Board, Rep by its Chief Executive Officer Razzack Manzil Opp Public Garden Nampally Hyderabad
3. The Inspector Auditor Waqf Department, Nalgonda District
4. The Towliath Committee of Sunni Edgah, At Devarakonda, Rep by its President, Abdul Raheem S/o.Hafeez-u-Rahman R/o.H.No.18-12-419/192 C Block Hafeez Baba Nagar, Badlaguda Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any order or direction writ or writs more particularly on in the nature of WRIT OF MANDAMUS declaring the proceedings in F.No.08/NLG/TOW/2022/Z dt.04.10.2023 issued by the Respondent NO.2 by constituting a committee consisting of Respondent NO.4 as a President and 8 other members u/s. 63 of Waqf Act 1953 for a period of 3 years behind petitioner back without following due procedure and without putting any notice to the Committee and forcibly putting lock to the office of the committee in pursuance of the orders of the Respondent NO.2 F.No.08/NLG/TOW/2022/ZIII-Supply dt.07.06.2023 is illegal, arbitrary consequently to set-aside the proceedings in F.No.08/NLG/TOW/2022/Z III dt.04.10.2023, through which constituting a Respondent NO.4 committee as contrary to the provisions of Waqf Act.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Stay all further proceedings in pursuance of proceedings F.No.08/NLG/TOW/2022/Z III-Supply dt.07.06.2023 and direct the Respondent NO.3 to remove the lock, put to the office to maintain the affairs of the Makka Masjid pending disposal of the writ petition

Counsel for the Petitioner: SRI. D Y L N CHARYULU

Counsel for the Respondent No.1: GP FOR WOMEN AND CHILD WELFARE

Counsel for the Respondent NO.2: SRI FARHAN AZAM KHAN

Counsel for the Respondent NOs.3&4: SRI ABU AKRAM SC FOR WAKF BOARD

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.16532 of 2024

ORDER:

Heard Sri D.Y.N.L.N. Charyulu, learned counsel appearing on behalf of the petitioner, learned Assistant Government Pleader for Women and Child Welfare, appearing on behalf of respondent No.1, learned Standing Counsel for TSWB, appearing on behalf of respondent Nos.3 and 4 and Sri Farhan Azam Khan, learned counsel appearing on behalf of respondent No.2.

2. The petitioner approached the Court seeking prayer as under:

"...to issue any order or direction writ or writs more particularly on in the nature of WRIT OF *MANDAMUS* declaring the proceedings in F. No. 08/NLG/TOW/2022/III dated 04.10.2023 issued by Respondent No.2 by constituting a committee consisting of Respondent No.4 as a President and 8 other members under Section 63 of Waqf Act 1953 for a period of 3 years behind petitioner back without following due procedure and without putting any notice to the Committee and forcibly putting lock to the office of

the committee in pursuance of the orders of the Respondent No.2 F.No.08/NLG/TOW/2022/Z-III-Supply dated 07-06-2023 is illegal, arbitrary consequently to set aside the proceedings in F.No. 08/NLG/TOW/2022/Z-III dated 04-10-2023 through which constituting a Respondent No.4 committee as contrary to the provisions of Waqf Act and pass such other order or orders..."

3. The case of the petitioner in brief is that he is representing as President of petitioner's Edgah and Edgah Complex Makka Masjid Committee. While things stood thus, the respondent No.4, made a representation dated 22.12.2022 to the respondent No.2 requesting the 2nd respondent to constitute a committee named as Towliath Committee under the 4th respondent's presidentship along with 9 other members under Section 63 of the Waqf Act, 1953. Based on the said representation the respondent No.2 addressed a letter to respondent No.3 to conduct enquiry and the respondent No.3 without issuing any notice to the existing committee submitted a report recommending Towliath Committee to safeguard the Waqf property. Thereafter Respondent No.3 placed the said report before the Board on 27.09.2023 and a resolution was passed vide Proceedings No.

F.No.08/NLG/TOW/2022/Z- III, dated 04.10.2023 consisting nine members from one family, who do not belong to Devarakonda and they are residents of Hyderabad.

4. It is further the case of the petitioner that respondent No.4 without impleading the existing Masjid Committee, filed W.P. No.11183 of 2024 before this Court seeking a direction to dispose of the representation dated 18.12.2023 to implement the orders dated 04.10.2023 passed by respondent No.2 and the said writ petition was disposed of on 25.04.2024 directing the respondents to consider the representation dated 18.12.2023 within a period of two weeks. In pursuance of the said orders the respondent No.2 issued office orders vide F.No.08/NLG/ TOW/2022/Z-III, dated 04.10.2023 with six men committee. Aggrieved by the said action of the respondents, the present writ petition is filed.

PERUSED THE RECORD

5. The relevant portion of the order dated 25.04.2024 passed in W.P. No. 11183 of 2024 is extracted hereunder:

"4. In view of the above submissions, this Court deems it appropriate to dispose of the writ petition directing the respondents to consider the representation, dated 18.12.2023 submitted by the petitioner for implementing the orders, dated 04.10.2023 passed by respondent No.2 within a period of two (02) weeks from the date of receipt of a copy of this order.

5. With the above observations, the writ petition is disposed of. There shall be no order as to costs".

6. The learned counsel appearing on behalf of the 4th respondent opposes the grant of prayer as sought for by the petitioner in the present writ petition and puts forth the following submissions:

(i) That the proceedings F.No.08/NLG/TOW/2022/Z-III, dated 04.10.2023 issued by the 2nd respondent constituting a committee of respondent No.4 as a President and 8 other members under Section 63 of Waqf Act, 1953 for a period of 3 years is in compliance to the orders of this Court dated 25.04.2024 passed in W.P. No. 11183 of 2024 and the

petitioner did not file review or writ appeal against the said order dated 25.04.2024 passed in W.P. No. 11183 of 2024

(ii) The learned counsel appearing on behalf of the 4th respondent draws attention of this Court to the order dated 04.10.2023 of the Chief Executive Officer, Telangana State Waqf Board, Hyderabad and places reliance on para No.6 of the said proceedings, which is extracted hereunder:

"In the reference 5th read above, this office has issued Notification in the daily newspaper calling for claims and objections in respect of constitution of Towllath Committee for the subject Waqf institution and no claims or objections have been POCO received in the stipulated period. The Inspector Auditor Wakfs, Nalgonda District has also confirm claim or objection have been accepted the District level also".

7. The learned counsel appearing on behalf of the 4th respondent further submits that in view of the fact that the office had issued notification published in Rahnuma-e-Deccan Newspaper dated 19.08.2023 calling for claims and objections in respect of constitution of Towllath Committee for the subject Waqf institution and since no claims or objections had been received in the stipulated period, it cannot be said that

the proceedings dated 04.10.2023 are issued without following the due procedure. In so far as the other disputed pleas put forth by the petitioner, the learned counsel appearing on behalf of the 4th respondent submits that the disputed facts cannot be adjudicated under Article 226 of Constitution of India and the petitioner has remedy as per Section 83 of the Waqf Act, 1995 and further the prayer seeking a writ of *Mandamus* declaring the proceedings dated 04.10.2023 had become infructuous in view of the subsequent proceedings dated 07.06.2024 issued by the Telangana Waqf Board and hence the present writ petition needs to be dismissed.

8. Taking into consideration the aforesaid facts and circumstances of the case and the pleas put forth by the learned counsel appearing on behalf of the 4th respondent, this Court opines that the proceedings dated 04.10.2023 issued by the respondent No.2 are in compliance with the directions of this Court made *vide* order dated 25.04.2024 passed in W.P. No. 11183 of 2024 (referred to and extracted above) which has become final, and in view of the subsequent

proceedings dated 07.06.2024 issued by the Telangana Waqf Board, which had not been challenged in the present writ petition, this Court opines that the petitioner is not entitled to the relief as prayed for in the present writ petition and the same is accordingly dismissed. However, there shall be no order as to costs.

The miscellaneous applications, if any, shall stand closed.

SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. D Y L N CHARYULU Advocate [OPUC]
2. One CC to SRI FARHAN AZAM KHAN Advocate [OPUC]
3. One CC to SRI ABU AKRAM SC FOR WAKF BOARD [OPUC]
4. Two CCs to GP FOR WOMEN AND CHILD WELFARE, High Court for the State of Telangana. [OUT]
5. Two CD Copies

KKS
GJP



HIGH COURT

DATED:04/12/2024

ORDER

WP.No.16532 of 2024



DISMISSING THE WRIT PETITION
WITHOUT COSTS

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K. M. S.
24/1/2025