APHC010219682025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3332]**
(Special Original Jurisdiction)

TUESDAY, THE 13th DAY OF OCTOBER 2026

PRESENT:THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 11255/2025

Along with

WRIT PETITION Nos.17016 & 29643 of 2025

WRIT PETITION No.11255 of 2025

Between:

1. MANIKYAM ARISH AHEMMAD, S/O. MANIKYAM BASHEER, AGED ABOUT 39 YEARS, OCC BUSINESS, R/O.D.NO.3-88, DARGA STREET, KOTHACHERUVU VILLAGE AND MANDAL, SRI SATYA SAI DISTRICT, A.P.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, , REP. BY ITS PRINCIPAL SECRETARY TO MINORITY WELFARE DEPARTMENT, A.P. SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE ANDHRA PRADESH STATE WAKF BOARD, REP. BY ITS CHIEF EXECUTIVE OFFICER, 4THAND 5TH FLOOR, IMDAD GHAR, OPP. K.R. MARKET, VIJAYAWADA, KRISHNA DISTRICT, A.P.
3. THE INSPECTOR AUDITOR WAQFS, SRI SATYA SAI DISTRICT.
4. THE MANAGING COMMITTEE, HAZRATH MASTAN VALI DARGAH, JAMIA MASJID, IDGAH, BURIAL GROUND AND CHOTI MASJID (JUMMA MASJID), SITUATED AT KOTHACHERUVU (V AND M) REP. BY ITS PRESIDENT SRI MANIKYAM BABA FAKRUDDIN, S/O. M. KHUDDUS SAB, AGED ABOUT 50 YEARS, OCC BUSINESS, R/O.D.NO.1-144, BOYA VEEDHI KOTHACHERUVU VILLAGE AND MANDAL, SRI SATYA SAI DISTRICT, A.P
5. MANIKYAM BABA FAKRUDDIN PRESIDENT, S/O. M. KHUDDUS SAB, AGED ABOUT 50 YEARS, OCC BUSINESS, R/O.D.NO.1-144, BOYA VEEDHI, KOTHACHERUVU VILLAGE AND MANDAL, SRI SATYA SAI DISTRICT, A.P.

6. JAGARAJU PALLI ABDUL SHAFI VICEPRESIDENT, S/O. JAGARAJU PALLI ZIKRIA SAB, AGED ABOUT 65 YEARS, R/O. SHOE MART, PUTTAPARTHY ROAD, GRAM PANCHAYAT COMPLEX, KOTHACHERUVU (V AND M), SRI SATYA SAI DISTRICT, A.P. - 515 133.
7. MUNTIMADUGU IMAM SAB SECRETARY, S/O. MUNTIMADUGU DASTAGIRI, AGED ABOUT 63 YEARS, OCC RETD. TEACHER, R/O. NEAR OLD MRO OFFICE, KOTHACHERUVU (V AND M), SRI SATYA SAI DISTRICT, A.P. - 515 133.
8. SYED ANWAR TREASURER, S/O. LATE SYED ALI SAB, AGED ABOUT 50 YEARS, OCC BUSINESS, C/O.DARGAH COMPLEX, DARGAH COLONY, KOTHACHERUVU (V AND M), SRI SATYA SAI DISTRICT, A.P. - 515 133.
9. SHAIK ROSHAN SAB MEMBER, S/O. Y. SILAR SAB, AGED ABOUT 55 YEARS, OCC CHICKEN CENTRE, C/O. DARGAH SHOPPING COMPLEX, KOTHACHERUVU (V AND M), SRI SATYA SAI DISTRICT, A.P. - 515 133.
10. SHAIK NABI RASOOL MEMBER, S/O. BEEDUPALLI MASTHAN VALI, AGED ABOUT 35 YEARS, OCC WELDER, C/O.NEAR BASAVANNAKATTA, KOTHACHERUVU (V AND M), SRI SATYA SAI DISTRICT, A.P. -515 133
11. KOLKAR EZAZ MEMBER, S/O. KOLKAR HIDAYATHULLA, AGED ABOUT 30 YEARS, OCC WELDER, C/O. PENUKONDA ROAD, NEAR Z.P. HIGH SCHOOL, KOTHACHERUVU (V AND M), SRI SATYA SAI DISTRICT, A.P. - 515 133.
12. BADVEL SHARFUDDIN MEMBER, S/O. BADVEL SALEHA SAB, OCC BUS CONDUCTOR, AGED ABOUT 55 YEARS, R/O. NEAR SHIRDI SAI TEMPLE, KOTHACHERUVU (V AND M), SRI SATYA SAI DISTRICT, A.P. - 515 133.
13. KOLIMI SALEEM KHAN MEMBER, S/O. KOLIMI MAHAMOOD KHAN, AGED ABOUT 56 YEARS, R/O. SHOE MART, NEHRU CIRCLE, GRAM PANCHAYAT COMPLEX MAIN ROAD, KOTHACHERUVU (V AND M), SRI SATYA SAI DISTRICT, A.P. - 515 133.

...RESPONDENT(S):

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 a Writ, Order or direction more particularly one in the nature Writ of Mandamus, declaring the impugned order vide F.No.B3/6/ATP/2003 dated 07.04.2025 passed by the 2I'd Respondent for constituting the 4th Respondent/Managing Committee for a period of one year to manage the day-to-day affairs of the Hazrath Mastan Vali Dargah, Jamiya Masjid, Choti Masjid (Jumma Masjid), Idgah and Burial Ground situated at Kothacheruvu Village and Mandal, Sri Satya Sai District, A.P. along with its attached properties with Respondent Nos.5 to 13 as its office bearers is being illegal, arbitrary, unconstitutional, in violation of provisions of the Wakf Act, 1995 and the Andhra Pradesh Wakf Managing Committee (Constitutions, Functions and Duties) Regulations, 2009 and consequentially direct the Respondents more particularly the 2nd Respondent to constitute the managing committee to the subject wakf institutions by conducting elections by giving proper opportunity to the panels received by them thereby following due process of law and pass such

IA NO: 1 OF 2025

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 may be pleased to suspend the operation of the impugned order vide F.No.B3/6/ATP/2003 dated 07.04.2025 passed by the 2nd Respondent and pass such

Counsel for the Petitioner:

1. MASALEGAR HIDAYATHULLA

Counsel for the Respondent(S):

1. PILLA YASWANI
2.
3. SHAIK KHAJA BASHA

WRIT PETITION NO: 17016/2025

Between:

1. MANIKYAM ARISH AHAMMAD,, S/O. MANIKYAM BASHEER, AGED ABOUT 39 YEARS, OCC BUSINESS, R/O.D.NO.3-88, DARGA STREET, KOTHACHERUVU VILLAGE AND MANDAL, SRI SATYA SAI DISTRICT, A.P.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO MINORITY WELFARE DEPARTMENT, A.P. SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE ANDHRA PRADESH STATE WAKF BOARD, REP. BY ITS CHIEF EXECUTIVE OFFICER, 4TH AND 5TH PIOOR, IMDAD GHAR, OPP. K.R. MARKET, VIJAYAWADA, KRISHNA DISTRICT, A.P.
3. THE CHIEF EXECUTIVE OFFICER, A.P. STATE WAKF BOARD, 4TH AND 5TH FLOOR, IMDAD GHAR, 0PP. K.R. MARKET, VIJAYAWADA, KRISHNA DISTRICT, A.P.
4. THE INSPECTOR AUDITOR WAQFS, SRI SATYA SAI DISTRICT.

...RESPONDENT(S):

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 topleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the impugned proceedings vide F.NO.B3/61/ATP/2003 dated 25.06.2025 issued by the 3rd Respondent authorizing the 4th Respondent as an election officer to conduct election for constituting the managing committee to the wakf institutions namely Hazrath Mastan Vali Dargah, Jamiya Masjid, Choti Masjid (Jumma Masjid), Idgah and Burial Ground situated at Kothacheruvu Village and Mandal, Sri Satya Sai District, A.P. along with its attached properties is being illegal, arbitrary, capricious, unconstitutional, in violation of provisions of the Wakf Act, 1995 and the Andhra Pradesh Wakf Managing Committee (Constitutions, Functions and Duties) Regulations, 2009 and consequentially direct rd the Respondents more particularly the 2nd Respondent to conduct the election for constituting the managing committee to the wakf institutions namely Hazrath Mastan Vali Dargah, Jamiya Masjid, Choti Masjid (Jumma Masjid), Idgah and Burial Ground situated at Kothacheruvu Village and Mandal, Sri Satya Sai District, A.P. along with its attached properties by following due process of law considering the objections submitted by the petitioner along with the musallies before the respondents dated 03.07.2025

IA NO: 1 OF 2025

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

pleased to suspend the operation of the impugned proceedings vide F.No.B3/61/ATP/2003 dated 25.06.2025 issued by the 3rd Respondent

Counsel for the Petitioner:

1. MASALEGAR HIDAYATHULLA

Counsel for the Respondent(S):

1. GP FOR SOCIAL WELFARE
2. SHAIK KHAJA BASHA

WRIT PETITION NO: 29643/2025

Between:

1. MANIKYAM ARISH AHAMMAD, S/O. MANIKYAM BASHEER, AGED ABOUT 39 YEARS, OCC BUSINESS, R/O.D.NO.3-88, DARGA STREET, KOTHACHERUVU VILLAGE AND MANDAL, SRI SATYA SAI DISTRICT, A.P.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO MINORITY WELFARE DEPARTMENT, A.P. SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE ANDHRA PRADESH STATE WAKF BOARD, REP. BY ITS CHIEF EXECUTIVE OFFICER, 5TH FLOOR, IMDAD GHAR, 0PP. K.R. MARKET, VIJAYAWADA, KRISHNA DISTRICT, A.P.
3. THE INSPECTOR AUDITOR WAQFS, SRI SATYA SAI DISTRICT.
4. SRI MANIKYAM BABA FAKRUDDIN, S/O. M. KHUDDUS SAB, AGED ABOUT 50 YEARS, OCC BUSINESS AND NOW APPOINTED AS MUTAWALLI OF DARGAH HAZRATH MASTAN VALI, EIDGAH AND BURIAL GROUND, R/O.D.NO. 1-144, BOYA VEEDHI, KOTHACHERUVU VILLAGE AND MANDAL, SRI SATYA SAI DISTRICT, A.P.

...RESPONDENT(S):

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 topleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the impugned order vide F.No.B3/6/ATP/2003 dated 15.10.2025 passed by the 2nd Respondent notifying the same in A.P. Gazette W.No.43 in Part-II dated 23.10.2025 so far as appointing the 4th Respondent as Mutawalli to the Wakf institutions namely Hazrath Mastan Vali Dargah, Eidgah and Burial Ground and its attached properties in Sy.No.529-1 and 529-2 to an extent of Ac.8.67 cents covered by Shopping Complex located at Kothacheruvu Village and Mandal, Sri Satya Sai District, A.P. for a period of two (2) years for managing the affairs of the same under Section 63 of the Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995 as amended by the Waqf (Amendment) Act, 2025 (UWMEED Act) is being illegal, arbitrary, capricious, unconstitutional, in violation of provisions of the Wakf Act, 1995 and Regulations made therein and also in violation of Interim Orders passed by this Hon'ble Court in IANo.I of 2025 in W.P.No. 11255 of 2025 dated 06.05.2025 and Interim Order passed in I.A.No.I of 2025 in W.P.No.17016 of 2025 dated 11.07.2025 and pass

IA NO: 1 OF 2025

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

IA NO: 1 OF 2026

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 may be pleased to extend the time period for completion of enquiry as directed by the Hon’ble High Court vide its order dated: 30.04.2026 for a further period of 10 days and pass

Counsel for the Petitioner:

1. MASALEGAR HIDAYATHULLA

Counsel for the Respondent(S):

1. PILLA YASWANI
2. GP FOR SOCIAL WELFARE
3. SHAIK KHAJA BASHA

COMMON ORDER

1. The writ petition vide W.P.No.11255 of 2025 has been filed declaring the impugned order vide F.No.B3/6/ATP/2003 dated 07.04.2025 passed by the 2nd Respondent for constituting the 4th Respondent/Managing Committee for a period of one year to manage the day-to-day affairs of the Hazrath Mastan Vali Dargah, Jamiya Masjid, Choti Masjid (Jumma Masjid), Idgah and Burial Ground situated at Kothacheruvu Village and Mandal, Sri Satya Sai District, A.P. along with its attached properties with Respondent Nos.5 to 13 as its office bearers.

2. The Writ Petition vide W.P.No.17016 of 2025 has been filed questioning F.NO.B3/61/ATP/2003 dated 25.06.2025 issued by the 3rd Respondent authorizing the 4th Respondent as an election officer to conduct election for constituting the managing committee to the wakf institutions namely Hazrath Mastan Vali Dargah, Jamiya Masjid, Choti Masjid (Jumma Masjid), Idgah and Burial Ground situated at Kothacheruvu Village and Mandal, Sri Satya Sai District, A.P. along with its attached properties.

3. The Writ petition vide W.P.No.29643 of 2025 has been filed questioning the impugned order vide F.No.B3/6/ATP/2003 dated 15.10.2025 passed by the 2nd Respondent notifying the same in A.P. Gazette W.No.43 in Part-II dated 23.10.2025 so far as appointing the 4th Respondent as Mutawalli to the Wakf institutions namely Hazrath Mastan Vali Dargah,

Eidgah and Burial Ground and its attached properties in Sy.No.529-1 and 529-2 to an extent of Ac.8.67 cents covered by Shopping Complex located at Kothacheruvu Village and Mandal, Sri Satya Sai District, A.P. for a period of two (2) years for managing the affairs of the same under Section 63 of the Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995 as amended by the Waqf (Amendment) Act, 2025 (UWMEED Act).

4. All these petitions are filed by the same petitioner. Since the issues covered by these writ petitions are interconnected and relate to same Dargah, all these petitions, at the consent of the parties, are taken up together and are being disposed of by this common order.

5. Heard Sri S.M.Subhani, learned counsel, assisted by Sri M.Hidayathulla, learned counsel for petitioner, Sri Shaik Khaja Basha, learned Standing Counsel for Waqf Board, and Ms.Pilla Yaswani, learned counsel for respondent no.4 in W.P.No.29643 of 2025.

6. After hearing for some time, this Court suggested the official respondents to explore the possibility of conducting fresh elections as contemplated under relevant Rules and Regulations. The learned counsel for petitioners submitted that in the event the official respondents undertake to conduct fresh elections within the time frame fixed by this Court, the petitioner would restrict the relief sought in these writ petitions.

7. The learned Standing Counsel for waqf Board after getting instructions from the concerned officials submitted that the authorities agreed to conduct fresh election and would complete the said process within a period of three (03) months.

8. It has been brought to the notice of this court by Ms.Pilla Yaswani, learned counsel for respondent no.4 in W.P.No.29643 of 2025 that respondent no.4 in W.P.No.29643 of 2025 has been appointed as temporary Mutawalli till conclusion of election and an appropriate order for continuation of respondent no.4 till conclusion of election.

9. At this juncture, learned Standing Counsel for Waqf Board brought to the notice of this Court that there may be eruption of violence and severe law and order problem during election and hence the Waqf Board may be permitted to take assistance of police to maintain law and order.

10. This Court is of the view that no separate permission as sought for by the learned Standing Counsel is required and the Waqf Board is always at liberty to seek assistance of police, if necessary, to maintain law & order, prevent disruptions to the peace, and ensure the smooth conduct of elections.

11. In the above view of the matters, since the petitioner has restricted his relief and the official respondents have agreed to conduct fresh elections these writ petitions can be disposed of.

12. Accordingly, the writ petitions are disposed of with the consent of all the parties, directing the official respondents to conduct fresh elections as expeditious as possible, at any rate not later than three (03) months from today. Till conclusion of elections, respondent no.4 is permitted to continue as temporary Mutawalli. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

13th October, 2026
RR