APHC010527892026

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

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 28898/2026

Between:

1. MULLA MADUM HUSSAIN SAB, S/O. M. VALI SAB, AGED ABOUT 26 YEARS, MUTHAVALI, MASJID KNOWN AS JAMIA MASJID ALSO MUILA MASJID, NOWLEKAL NEMKAL VILLAGE, PEDDA THUMBALAM MANDAL, KURNOOL DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MINORITY WELFARE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI -522 238.
2. THE ANDHRA PRADESH STATE WAKF BOARD, REP. BY ITS CHIEF EXECUTIVE OFFICER, 4TH AND 5TH FLOOR, LMDADGHAR, WAKF COMPLEX, OPP. K.R. MARKET, VIJAYAWADA 520 001, KRISHNA DISTRICT.
3. THE INSPECTOR AUDITOR WAQFS, DISTRICT WAQF OFFICER, WAKF BOARD, COLLECTORATE COMPLEX, KURNOOL 518 001, KURNOOL 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 to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the 2nd

respondent authority in not considering the case of the petitioner for appointment of Muthawalli in the place of his father late M. Vali Saheb to the Masjid known as Jamia Masjid also Mulla Masjid, Nowlekal Nemkal Village, Pedda Thumbalam Mandal, Kurnool District by taking in to consideration of the reports in F.No.22/Waqfs/KNL/NMKL/2022, dated 21-07-2022 and in Lr.No. 22/Waqfs/KNL/NMKL/2024, dated 22-01-2024 submitted by the 3rd respondent, as illegal, arbitrary, unjust, and also being violative of Art. 14 of the Constitution of India and Consequently DIRECT the respondent authorities to appoint the petitioner as Muthawalli in the place of his father late M. Vali Saheb to the Masjid known as Jarnia Masjid also Mulla Masjid, Nowlekal Nemkal Village, Pedda Thumbalam Mandal, Kurnool District

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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 DIRECT the 2nd respondent to consider the case of the petitioner for appointment of Muthawalli in the place of his father late M. Vali Saheb to the Masjid known as Jamia Masjid also Mulla Masjid, Nowlekal [Nemkal] Village, Pedda Thumbalam Mandal, Kurnool District by taking in to consideration of the reports in F.No.22/Waqfs/KNL/N M KL/2022, dated 21-07-2022 and in Lr.No. 22/Waqfs/KNOMKL/2024, dated 22-01-2024 submitted by the 3rd respondent, pending disposal of writ petition

Counsel for the Petitioner:

1. BUTTA VIJAYA BHASKER

Counsel for the Respondent(S):

1. GP FOR SOCIAL WELFARE
2. SHAIK KHAJA BASHA

The Court made the following:

ORDER:

Aggrieved by the action of the respondents in not considering the case of the petitioner for appointment as Muthawalli in place of his father late M.Vali Saheb to the Masjid known as Jamia Masjid also Mulla Masjid, Nowlekal (Nemkal) Village, Pedda Thumbalam Mandal, Kurnool District, the present writ petition is filed.

2. Heard Sri Butta Vijay Bhaskar, learned counsel for the petitioner, Sri Shaik Khaja Basha, learned Standing Counsel for Waqf Board and Sri David, learned Assistant Government Pleader for Social Welfare for the respondents.

3. Learned counsel for the petitioner while reiterating the contents of the affidavit filed in support of the writ petition contended that the petitioner's father was appointed as a Muthawalli of the subject Mosque. After his death on 26.03.2014, the petitioner made an application dated 05.07.2022 to the 2nd respondent seeking appointment as Muthawalli in place of his father. Thereafter, the 3rd respondent submitted a report dated 21.07.2022 to the 2nd respondent recommending the petitioner for appointment as Muthawalli of the subject mosque. Later, upon the directions of the 3rd respondent, petitioner submitted all relevant documents as sought by the 2nd respondent as in Memo dated 18.07.2023. On receipt of such information, the 3rd respondent furnished information in letter dated 22.01.2024 to the 2nd respondent and

recommended the petitioner for appointment as Muthawalli. Thereafter, no action has been taken by the 2nd respondent. He further submitted that it would suffice if a direction is given to the respondent authorities to consider the case of the petitioner and pass orders on the petitioner's representation, accordingly, prayed to pass appropriate orders.

4. On the other hand, learned Standing Counsel for Waqf Board submitted that the authorities would pass orders on the petitioner's representation, accordingly, prayed to pass appropriate orders.

5. Perused the record and considered the submissions made by the learned counsel for the parties.

6. Petitioner made representation dated 05.07.2022 to the 2nd respondent for appointing him as Muthawalli in place of his late father. A perusal of the material available on record would indicate that the 3rd respondent has submitted report dated 22.01.2024 to consider the request of the petitioner for appointment as Muthawalli in place of his father. According to the petitioner, no action has been taken on the same so far. In the said circumstances, as the relief sought is innocuous, instead of keeping the writ petition pending, this Court is inclined to dispose of the writ petition by passing the following order:

"The 2nd respondent is directed to consider the case of the petitioner and pass orders on the petitioner's representation 05.07.2022

as expeditiously as possible within a period of two (02) months from the date of receipt of a copy of this order by duly taking into consideration the report of the 3rd respondent dated 22.01.2024."

7. Accordingly, the Writ Petition is ***disposed of.*** There shall be no order as to costs.

As a sequel, miscellaneous applications, pending if any, shall stand closed.

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JUSTICE RAVI CHEEMALAPATI

Date: 28th October, 2026
RKS