APHC010574572026

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: 31402/2026

Between:

1. SHAIK JILANI @ SAIDA, S/O. MAHABOOB, AGED ABOUT 42 YEARS, OCC NOTIFIED HEREDITARY MUTAWALLI, LANKA PEER RUN PANJA, D. NO.8-6-1, PANJA CENTRE, VIJAYAWADA, AP.

...PETITIONER

AND

1. A P STATE WAQF BOARD, REP.BY ITS SPECIAL OFFICER/CHIEF EXECUTIVE OFFICER, VIJAYAWADA, KRISHNA DISTRICT.
2. CHIEF EXECUTIVE OFFICER, A.P. STATE WAQF BOARD VIJAYAWADA, KRISHNA DISTRICT
3. STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MINORITIES WELFARE DEPT., SECRETARIAT AT VELAGAPADU, GUNTUR DISTRICT, AP.

...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 an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondent Nos 1 and 2 in not issuing proceedings appointing the petitioner as permanent Hereditary Mutawalli of Lanka Peer Run Hussaini Panja situated in D No 861 Panja Centre Vijayawada AP

notified Waqf property in AP Gazette Notification No 26 dt 28061962 at SNo 708 as per the statutory enquiry report dated 19122018 as illegal arbitrary contrary to law malicious official bias politically motivated discriminatory and violative of Articles 14 21 and 300A of the Constitution of India and consequentially directing Respondent Nos 1 and 2 to protect the Waqf property from unlawful elements evict encroachers and hand over management to the petitioner in the interest of justice and to pass

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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 to direct the 1st & 2nd Respondents to strictly adhere to and implement the statutory enquiry report dated 19.12.2018 for the formal appointment of the Petitioner as Hereditary Mutawalli, while taking into consideration the earlier proceedings vide File No. 786/KST/T/1014/Z-V, dt. 08-11-2022 issued by Respondent No. 1, which was duly notified in the A.P. Gazette No. 47, Part-II, dt. 24-11-2022 in favour of the Petitioner, as expeditiously as possible, in the interest of justice, pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1. CORPUS JURIS LAW PANEL LLP

Counsel for the Respondent(S):

1. GP FOR SOCIAL WELFARE
2.

The Court made the following:

ORDER:

Challenging the inaction of the respondents in not taking any steps to appoint the petitioner as Hereditary Mutawalli, despite the issuance of proceedings dated 08.11.2022 by the 1st respondent, which were notified in A.P. Gazette No.47, Part-II, dated 24.11.2022, pursuant to the exhaustive enquiry report dated 19.12.2018, and notwithstanding the repeated representations made by the petitioner and the directions issued by this Court, the present writ petition is filed.

2. Heard Sri M.V.Raja Ram, learned counsel for the petitioner and learned Assistant counsel, Smt.T.Radhamma, 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 made an application for appointing him as a permanent Muthawalli. He further submitted that the petitioner had earlier filed W.A.No.752 of 2025, and the Division Bench of this Court, on 03.07.2025, disposed of the same duly observing that as the Board is not in existence at that time, to enable smooth conduct of the Muharram festival, given a direction to the respondent to continue the petitioner for the ensuing Muharram festival, as it would take some time to adjudicate on the petitioner's appointment as Muthawalli. Now, the Board has been

constituted and functioning. Despite the same, no steps have been taken to consider the petitioner's claim for appointment as permanent Mutawalli. He further submitted that an enquiry was already conducted and a report dated 19.12.2018 recommending the petitioner's name was also submitted. However, no further action has been taken by the respondents. He further contended that it would suffice if a direction is given to the Board to consider and dispose of the petitioner's application in a time-bound manner, accordingly, prayed to pass appropriate orders.

4. On the other hand, learned Standing Counsel for Waqf Board submitted that the petitioner’s application is under consideration and they would pass orders on the same in accordance with law, accordingly, prayed to pass appropriate orders.

5. Taking the submissions of the learned counsel for the parties into consideration, 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 respondent concerned is directed to consider the case of the petitioner in accordance with law by duly taking into consideration the enquiry report dated 19.12.2018 and pass orders on the petitioner’s application as expeditiously as possible within a period of two (02) months from the date of receipt of a copy of this order.”

6. 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.

JUSTICE RAVI CHEEMALAPATI

Date: 28th October, 2026
RKS