APHC010752072013

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

SATURDAY, THE 21st DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 11115/2013

Between:

1. SYED RASOOL HUSSAINI, S/O LATE SYED GAFFAR HUSSAINI, OCC: RELIGIOUS SCHOLAR, R/O 1/1546, DARGAPET, PENUKONDA, ANANTHAPUR DISTRICT.
2. SYED MAHBOOB BASHA HUSSAINI S/O SYED AZEEZUDDIN, OCC: BUSINESS, R/O 1/1473, DARGAPET, PENUKONDA, ANANTHAPUR DISTRICT.
3. SYED ISMAIL HUSSAINI, S/O SYED MOHIUDDIN BASHA SAHEB, OCC: BUSINESS, R/O 1/1497, DARGAPET, PENUKONDA, ANANTHAPUR DISTRICT.
4. SYED RASOOL PEER HUSSAINI @ IRSHAD SAHAB, S/O SYED ALI HUSSAINIOCC: BUSINESS, R/O 1/1570, DARGAPET, PENUKONDA, ANANTHAPUR DISTRICT.

...PETITIONER(S)

AND

1. THE DISTRICT COLLECTOR, ANANTHAPUR DISTRICT
2. THE TAHSILDAR, PENUKONDA MANDAL, ANANTAPUR DISTRICT
3. THE SUPERINTENDENT OF POLICE, ANANTHAPUR DISTRICT
4. THE DEPUTY SUPERINTENDENT OF POLICE, PENUKONDA, ANANTHAPUR DISTRICT

5. THE INSPECTOR OF POLICE, PENUKONDA, ANANTHAPUR DISTRICT.
6. THE A P STATE WAKF BOARD, REP. BY ITS CHIEF EXECUTIVE OFFICER, HAJ HOUSE COMPLEX, NAMPALLY, HYDERABAD.
7. THE INSPECTOR AUDITOR, A.P.S.WAKF BOARD C/O DISTRICT REVENUE OFFICER ANANTHAPUR DISTRICT
8. K S S B RUKNUDDIN AHMED HUSSAINI ALIAS TAJ BABA, S/O ABDAL HUSSAINI OCC: MUTAWALLI, R/O DARGAPET PENUKONDA, ANANTHAPUR 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 inaction of the respondent No.1 to 7 in not protecting the hundies by highly handedly facilitating the respondent No.8 in knocking away the hundi offerings of Dargah Hazrath Syed Baba Fakruddin (RA), Penukonda, Ananthapur District without distributing the same among the sharers in accordance with the Judgment & Decree in OS.No.141 of 1966 and prevailing custom and consequently direct the respondent No.1 to 7 to protect the hundies in future and pass

IA NO: 1 OF 2013(WPMP 13748 OF 2013

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 respondents No.1 to 5 to prevent the henchmen of respondent No.8 from spreading towels/cloths and collecting the amounts from thedevotees by making necessary arrangements during the annual Urs of Hazrath Syed Baba Fakruddin (RA), Penukonda, Ananthapur District pending disposal of the main writ petition and pass

IA NO: 2 OF 2013(WPMP 13749 OF 2013

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 respondent No.2 to install (6) six hundies and seal the same during the annual Urs of Hazrath Syed Baba Fakruddin (RA), Penukonda, Ananthapur District pending disposal of the main writ petition and pass

IA NO: 3 OF 2013(WPMP 31163 OF 2013

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 Respondent No.2 to remove the seal and hand over the hundi amount to the mutawalli for distributing the same to the sharers as per the practice and pass

IA NO: 1 OF 2014(WVMP 1198 OF 2014

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 vacate the interim orders passed in W.P.M.P.NO. 13749 of 2013 in W.P. No. 11115/2013 dated 22-04-2013 as well as the Main Writ petition and to pass

IA NO: 1 OF 2015(WPMP 9822 OF 2015

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 modify the Order dt. 22-4-2013 passed in WPMP No. 13749 of 2013 in WP No. 11115 of 2013 thereby directing the Respondent No. 2 to open the hundies of Annual URs of 2013 and 2014 and hand over the amount to Respondent No. 6 for disbursing amount the shares as the Wakf Institution is under the direct management of Respondent No. 6

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 may be pleased to implead us as respondent Nos. 9 to 13 in the above writ petition and to pass

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 this Hon'ble Court may be pleased to vacate the Interim direction granted in W.P. No. 11115/2013, dated 22.04.2013 and to pass such other order or orders

IA NO: 2 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 to order for impleadment of the proposed Respondents as Respondents No. 9 to 18 in W.P. No. 11115 of 2013 enabling him to file necessary petitions and affidavits, etc, and to contest the case, in the interest of justice

Counsel for the Petitioner(S):

1. M KARIBASAIAH

Counsel for the Respondent(S):

1. V HIMABINDU
2. GP FOR REVENUE
3. M A K MUKHEED
4. SYED ABDUL GAFFAR
5. FARHAN AZAM KHAN
6. Y MAHA LAKSHMI
7. SHAIK KHAJA BASHA

WRIT PETITION NO: 34198/2025

Between:

1. SYED MUSHARAFHUSSAINI,, S/O. SYED IBRAHIM, AGED 34 YEARS, OCC- CARPENTER, RESIDING AT 1-1567, DARGAPET, PENUKONDA, SRI SATYASAI DISTRICT.
2. K.S.S.B JABBARHUSSAIN, , S/O. K.S.S.B KHABEERBASHA, AGED 42 YEARS, OCC- ELECTRICIAN, RESIDING AT 2-165,

DARGAPET, PENUKONDA, SRI SATYASAI DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, MINORITY WELFARE DEPARTMENT, A P SECRETARIAT, ATVELAGAPUDI, AMARAVATHI GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, SRI SATHYASAI DISTRICT, AT PUTTAPARTHY.
3. THE SUBCOLLECTOR, SUB COLLECTOR OFFICE, PENUKONDA, SRI SATHYASAI DISTRICT.
4. THE TAHSILDAR, TAHSILDARS OFFICE, SRI SATHYASAI DISTRICT.
5. THE A P STATE OF WAKF BOARD, REP. BY ITS CHIEF EXECUTIVE OFFICER, HAJ HOUSE COMPLEX, NAMPALLY, HYDERABAD.
6. THE INSPECTOR AUDITOR, A.P. S. WAKF BOARD, DISTRICT REVENUE OFFICE, SRI SATYASAI DISTRICT.
7. K S S B RUKNUDDIN AHMED HUSSAINI TAJ BABA, S/O. ABDAIHUSSAINI, AGED ABOUT 59 YEARS, OCC- MUTAWALLI, RESIDING AT DARGAPET, PENUKONDA, ANANTAPURAMU DISTRICT. (DARGA MANAGER)
8. K S S B JABBARHUSSAINI, S/O. K.S.S.B KHABEERBASHA, AGED 41 YEARS, OCC- ELECTRICIAN, RESIDING AT DARGAPET, PENUKONDA, SRI SATYASAI 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 an appropriate Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring the action of the respondents especially respondent No.2 to 4 in not considering the petitioners representation dated 10.11.2025 with regard to the

installation of number of sealed Hundies in suitable places during the annual Urs of HAZRATH SYED BABA FAKRUDDIN (RA) Penukonda, (Sri Babaiah Swamy Urs) at Dhargapet, Penukonda, Sri Sathya Sai District, as illegal, arbitrary and against the principles of natural justice, and consequently direct the respondent Nos. 2 to 4 to install number of sealed Hundies in suitable places during the annual Urs of HAZRATH SYED BABA FAKRUDDIN (RA) Penukonda, (Sri Babaiah Swamy Urs) at Dhargapet, Penukonda, Sri SathyaSai District, by considering the petitioners representation dated 10.11.2025 and to 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 to direct the respondent Nos. 2 to 4 to install number of sealed Hundies in suitable places during the annual Urs of HAZRATH SYED BABA FAKRUDDIN (RA) Penukonda, (Sri Babaiah Swamy Urs) at Dhargapet, Penukonda, Sri Sathya Sai District, by considering the petitioners' representation dated 10.11.2025, pending disposal of the above writ petition and to pass

Counsel for the Petitioner(S):

1. SESHADRI GOALLA

Counsel for the Respondent(S):

1. V HIMABINDU
2. GP FOR REVENUE
3. GP FOR SOCIAL WELFARE
4. SHAIK KHAJA BASHA

The Court made the following:

COMMON ORDER:

Aggrieved by the action of respondent Nos.1 to 7 in not protecting the hundies by facilitating respondent No.8 in knocking away the hundi offerings of Dargah Hazrath Syed Baba Fakruddin (RA), Penukonda, Ananthapur District, without distributing the same among the sharers in accordance with the Judgement & Decree in O.S.No.141 of 1966, dated 26.12.1966, W.P.No.11115 of 2015 is filed.

Questioning the action of the respondent Nos. 2 to 4 in not considering the representation dated 10.11.2025 with regard to installation of number of sealed Hundies in suitable places during the annual Urs of Hazrath Syed Baba Fakruddin (RA), Penukonda, (Sri Babaiah Swamy Urs), W.P.No.34198 of 2025 is filed.

2. Since the cause in both the writ petitions are interlinked, both the writ petitions are heard and disposed of together by way of this common order.

3. Heard Sri M.Karibasaiah, learned counsel for the petitioner in W.P.No.11115 of 2013, Sri Seshadri Golla, learned counsel for the petitioner in W.P.No.34198 of 2025, Sri Shaik Khaja Basha, learned Standing Counsel for Waqf Board and Sri Venkta Satya Narayana, learned Assistant Government Pleader for Revenue for the respondents and Ms.V.Himabindu, learned counsel for the proposed respondents.

4. Learned counsel for the petitioners in elaboration to what has been stated in the writ affidavits contended that the petitioners are the successors of the plaintiffs in O.S.No.141 of 1966 which came to be filed for declaration of their title to a 1/6th share in the collections of hundi deposited during Urs of Syed Baba Fakruddin at Penukonda every year and direct the 2nd respondent-Taluk Magistrate to deliver 1/6th share in the Hundi of Urs belonging to the Jahgirdars of Peddababaiahpalli. They further submitted that, now the claim of the petitioners is that they being the successors of the said plaintiffs are also entitled to the share of that hundies. However, the official respondents, instead of protecting the rights of the petitioners, are allowing the unofficial respondents to enjoy the hundies, as such, prayed to pass appropriate orders protecting the interest of the petitioners.

5. On the other hand, learned counsel for the respondents collectively submitted that if at all the petitioners have any grievance, they have to raise all the grounds that has been raised before this Court by filing an application before the competent authority. They further submitted that the petitioners, instead of approaching the competent authority, filed the present writ petition. The writ petition is devoid of merits and liable to be dismissed, accordingly, prayed to dismiss the writ petition.

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

7. This Court sitting under Article 226 of the Constitution of India cannot enter upon the disputed questions of fact and decide the rights of the individuals as to whether the petitioners have any right in the share provided to one Syed Hyder Hussain and Syed Khader Basha, who are the plaintiffs in O.S.No.141 of 1966 and as to who had right/share in the hundies. As rightly contended by the learned counsel for the respondents, the petitioners did not approach the competent authority at the first instance and straight away filed the present writ petitions. If at all the petitioners or the unofficial respondents have any grievance, they have to agitate their rights by approaching the competent authority/tribunal but cannot invoke 226 jurisdiction and file writ petition, as such, this Court, instead of going into the merits and demerits of the matter, is inclined to dispose of the writ petition.

8. Accordingly, the Writ Petitions are ***disposed of***. The parties are not precluded to agitate their rights before competent authority. There shall be no order as to costs.

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

JUSTICE RAVI CHEEMALAPATI

Date: 21st November, 2026
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