

(2016) 12 KAR CK 0058

In the Karnataka High Court

Case No : Whit Petition No. 104891 of 2016 (GM-WAKF)

Khaja Noor

APPELLANT

Vs

Karnataka State Board of Wakfs

RESPONDENT

Date of Decision : 14-12-2016

Acts Referred:

Constitution of India, 1950 — Article 226, Article 227

Citation : (2017) 2 KantLJ 329

Hon'ble Judges : G. Narendar, J.

Bench : Single Bench

Advocate : Sri. Manjunath S. Sangreshi, Advocate, for the Petitioner; Sri. D.L. Ladkhan, Advocate, for the Respondent No. 1 and 2

Final Decision : Disposed Off

Judgement

G. Narendar, J.—Heard the learned Counsel for the petitioner and the learned Counsel for the respondents 1 and 2.

2. The petitioner is before this Court praying for issuance of a direction to the first respondent to consider and dispose off the petitioner's representation dated 5-8-2014 vide Annexure-A to the writ petition.

3. It is the case of the petitioner that he was elected to the Managing Committee of the Masjid-E-Azam, Bandihatti Road, CB Ballari. The WAKF Institution is imparting education and is also engaged in religious activities for the welfare of the minority community and the WAKF came to be notified with the Department of WAKF.

4. It is contended that, on the recommendation of the second respondent, the first respondent-Board approved the Managing Committee for a period of three years from 2-4-2002 to 1-4-2005 and despite the lapse of period, the earlier Managing Committee illegally continued and was allowed to perpetuate the management of the WAKF. Thereafter, there was a meeting of Jamat including the residents and after hearing the grievances, the District WAKF Committee,

Ballari directed the local Jamat to elect the new Committee. Accordingly, the local Jamat and residents unanimously elected the petitioner and other members of the new Managing Committee, pursuant to the notification dated 24-8-2013 and that the said notification was also given vide publicity"" by affixing the same on the notice board of the District WAKF Committee, the WAKF Institutions and at the office of the Board. As no objections were received, the formalities were completed and the new" Managing Committee was elected.

5. While so, the petitioner and other members were suddenly informed by the members of the earlier Committee that subsequent committee has been superseded and upon enquiry, it was confirmed by the second respondent and the petitioner and others were advised to approach the first respondent.

6. Aggrieved by" the same the petitioner instituted W.P. No. 106275 of 2014, which came to be disposed off on 25-6-2014 as dismissed as withdrawn.

7. It is the case of the petitioner that the earlier writ petition was withdrawn on account of the assurance given by the first respondent that their case for approval of the Managing Committee, pursuant to the orders of the first respondent dated 16-6-2014, would be considered after the withdrawal of the writ petition. A reading of Annexure-A would probabalise the contention of the petitioner. It is submitted that this Court had stayed the appointment of an administrator, but despite grant of interim order, the respondents were adamant in not handing over the charge to the duly elected committee.

8. Per contra, the learned Counsel for the respondents would submit that the respondents, more particularly the first respondent would endeavour to expeditiously consider and dispose off the representation dated 5-8-2015 as expeditiously as possible.

9. Submissions of the learned Counsels are placed on record.

10. In view of the above submissions, the ends of justice would be met, if a mandamus in the nature of a direction is issued to the first respondent to consider and dispose off the representation as expeditiously as possible, at any rate within a period of eight weeks by a speaking order and in accordance with law.

11. Accordingly, there shall be a direction to the first respondent to consider and dispose off Annexure-A as expeditiously as possible at any rate within an outer limit of two months from the date of receipt of a copy of this order.

12. The petitioner shall appear before the first respondent on 2-1-2017 at about 11.00 a.m. The first respondent-Board shall thereafter fix a date for hearing and shall afford an opportunity of hearing to the petitioner and hereafter pass orders. Learned Counsel for the petitioner would submit that the petitioner shall not seek any adjournments.

13. In view of the above, the first respondent shall positively consider and

dispose off the representation at Annexure-A after hearing the petitioner within a period of two months from 2-1-2017.

14. The writ petition stands disposed of in the above terms.