
(2013) 04 AP CK 0124

In the Andhra Pradesh High Court

Case No : Writ Petition No. 12976 of 2013

Mohammed Ahmed Ali

APPELLANT

Vs

State of A.P. and Others

RESPONDENT

Date of Decision : 26-04-2013

Acts Referred:

Citation : (2013) 4 ALD 581 : (2013) 4 ALT 78

Hon'ble Judges : P.V. Sanjay Kumar, J

Bench : Division Bench

Advocate : M. Mehdi Hussain, for the Appellant; Shafath Ahmed Khan, Counsel, for the Respondent

Final Decision : Allowed

Judgement

P.V. Sanjay Kumar, J.—The Petitioner calls in question the proceedings dated 14-02-2013 issued by the District Collector, Srikakulam, whereby he granted a lease in respect of a wakf property to one Sk. Samsad Ali, Manager, Diamond Migration, all India Tourist Party, Jagatpur, Cuttack. On the face of it, this proceeding is without the authority of law, as the Wakf Act, 1995, does not confer the power of leasing out wakf property to the District Collector. In that view of the matter, the impugned proceedings dated 14-02-2013 and the consequential proceedings of the District Collector, Srikakulam issuing directions to the Tahasildar, Ichapuram, are set aside.

2. The Writ Petition is allowed. W.P.M.P. No. 15946 of 2013 shall stand closed in the light of this final order. It is however made clear that this order shall not preclude the Andhra Pradesh State Wakf Board, which is exercising direct management over the subject wakf institution, from granting a lease in respect of the subject wakf property in accordance with law. No order as to costs.