
(2012) 12 AP CK 0057

In the Andhra Pradesh High Court

Case No : Writ Petition No. 38698 of 2012

Mohd. Yousuf Ali

APPELLANT

Vs

A.P. State Wakf Board

RESPONDENT

Date of Decision : 19-12-2012

Acts Referred:

Citation : (2013) 1 ALD 589 : (2013) 1 ALT 418

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : K. Asad Ahamed, for the Appellant; Mir Masood Khan, for the Respondent

Judgement

L. Narasimha Reddy, J.—A Wakf, known as Deen Daar Khan Mosque at Sangareddy owns various properties, including a function hall. Till recently, it was in the hands of third parties; and the Wakf Board got the possession of the property in the year 2010 by instituting proceedings before this Court and by taking other steps. The petitioner states that the function hall was repaired with the contributions from various individuals and that an oral lease was granted to him by the Managing Committee, in the year 2010. The grievance of the petitioner is that though he made representations with a request to grant regular lease on payment of Rs. 50,000/- per year, no steps have been taken thereon, by the respondent. Heard learned Counsel for the petitioner and learned Standing Counsel for the Andhra Pradesh State Wakf Board.

2. The petitioner bases his rights upon an alleged oral lease. The Wakf Act, 1995 does not permit grant of leases orally. It is only through a lease deed executed by the competent authority, that the rights can be conferred. Added to that, whenever a Wakf institution intends to grant leases in favour of third parties, public auction must be conducted, so that transparency is ensured.

3. Hence, the writ petition is disposed of directing that in case the function hall is not under the direct management and maintenance of the Wakf institution or the

respondent, it shall put the leasehold rights to auction within a period of four weeks from the date of receipt of a copy of this order. It shall be open to the petitioner to participate therein. It is needless to mention that if he emerges as the highest bidder, lease deed shall be executed in his favour, in accordance with law. Miscellaneous petitions filed in this writ petition shall stand disposed of. There shall be no order as to costs.