
(2013) 03 AP CK 0024

In the Andhra Pradesh High Court

Case No : Writ Petition No. 6733 of 2013

Syed Shah Khaja Mohiuddin Khadri

APPELLANT

Vs

A.P. State Wakf Board

RESPONDENT

Date of Decision : 08-03-2013

Acts Referred:

Waqf Act, 1995 — Section 42

Citation : (2013) 4 ALD 331 : (2013) 3 ALT 499

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : M. Mehdi Hussain, for the Appellant; Mir Masood Khan, SC, for the Respondent

Judgement

L. Narasimha Reddy, J.—The petitioner states that his grandfather created a Wakf, by name Dargah Hazarat Syed Shah Ali Peeran Khadri at Gajwel Town, Medak District and worked as Mutawali during his life time. The father of the petitioner is said to have succeeded to the office and that the petitioner, in turn, is said to have succeeded to the same, after death of his father in the year 1992. The petitioner states that he has been making repeated representations to the respondent with a request to recognize him as Muthawalli of the Wakf u/s 42 of the Wakf Act, 1995 (for short "the Act"). His grievance is that no steps have been taken thereon. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

2. Section 42 of the Act provides for recognition by the Wakf Board, of the succession to the office of Muthawalli of a Wakf. Before a resolution, in this regard is passed, the matter needs to be examined through Inspector Auditor, or some other Enquiry Officer. Recognition by the Board will enable the incumbent to function effectively. Uncertainty in the matter will lead to several complications.

3. Hence, the Writ petition is disposed of, directing the respondent to consider the representations made by the petitioner and to take necessary steps within a period of three (3) months from the date of receipt of a copy of this order. The

miscellaneous petition filed in this Writ Petition shall also stand disposed of.
There shall be no order as to costs.