
(2011) 09 AP CK 0132
In the Andhra Pradesh High Court
Case No : CRP No. 5057 of 2008

Zaheer Ahmed Khan

APPELLANT

Vs

A.P. State Wakf Board and Others

RESPONDENT

Date of Decision : 29-09-2011

Acts Referred:

Citation : (2013) 1 ALD 194

Hon'ble Judges : Vilas V. Afzulpurkar, J

Bench : Single Bench

Advocate : Mohd. Vasi Ahmed, for the Appellant; Mir Masood Khan, Counsel for the Respondent No. 1 and M. Mehdi Hussain, Counsel for the Respondent Nos. 3 to 5, for the Respondent

Judgement

Vilas V. Afzulpurkar, J.—Heard learned Senior Counsel for the petitioner, learned Standing Counsel for the Wakf Board and learned Counsel for private parties-respondents 3 to 5. After hearing the matter at length and after going through the facts and circumstances of the case, this Court is of the view that apart from consideration of legality and correctness of the order of removal of Muthawalli, which is questioned in this revision, it is also necessary to ensure that all the properties of Wakf in question are protected. The Wakf Institution in question is under direct management of the A.P. State Wakf Board i.e. since 2003. However, the information relating to the availability of the land attached to the Wakf Institution as on today is not immediately available in the case on hand. There are several allegations as to sale of part of the Wakf properties by the Muthawalli and the conclusions reached by the Enquiry Officer, as confirmed by the Board, and further confirmed by the Tribunal, are subject-matter of this revision.

2. After elaborate hearing the revision petition, this Court feels it just and appropriate to direct the A.P. State Wakf Board to forthwith get a survey conducted relating to the property of 232 acres, which is attached in the Wakf Institution, namely the Dargah Hazrath Kohe Moula Ali situated at Malkajgiri and Mallapur Villages in Ranga Reddy District as published in A.P. Gazette No. 06-A

dated 27.8.1987 and submit a report as to the present status to this Court. The Wakf Board shall be free to take the assistance of the Director of Survey and Settlement, Government of Andhra Pradesh, if it does not have officials, who are competent to conduct the survey and submit a report. The Chief Executive Officer, A.P. State Wakf Board, if necessary, shall also be free to seek the assistance from the concerned Mandal Revenue Officer, Government of Andhra Pradesh for the aforesaid purpose and any such requisition of the Chief Executive Officer, A.P. State Wakf Board shall be immediately responded to by the Director of Survey and Settlement, Government of Andhra Pradesh as well as by the Mandal Revenue Officer, if so required.

3. The report of such survey, including present status of the entire wakf land shall be filed before this Court in a sealed cover. The survey shall be completed and report shall be filed within four weeks from today. Subject to the examination of the report, further directions will be considered.

4. Furnish copy of this order to all the parties on usual charges. Post after four weeks.