



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3330]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No. 1490/2025

BETWEEN:

1.B RUKMAN, S/o. B.BASHEER. AGED ABOUT 50 YEARS,
OCC: MUTHAVALLI, JAMIYA MOSQUE (KHOONI MAJISD)
R/o. 9-276, AMIDYALA STREET, PAMIDI ANANTAPUR
DISTRICT, A. P-515775

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, MINORITIES WELFARE DEPARTMENT,
SECRETARIAT AT VELAGAPUDI, AMARAVATI, GUNTUR
DISTRICT.
- 2.THE ANDHRA PRADESH STATE WAKF BOARD, REP. BY ITS
CEO, 4 FLOOR, IMDADGHAR, OPP. KHALESWARARAO
MARKET VIJAYAWADA, NTR (OLD KRISHNA) DISTRICT.
- 3.THE CHIEF EXECUTIVE OFFICER, ANDHRA PRADESH STATE
WAKF BOARD REP. BY ITS CEO, 4 FLOOR, IMDADGHAR,
OPP. KHALESWARARAO MARKET VIJAYAWADA, NTR (OLD
KRISHNA) DISTRICT.
- 4.THE INSPECTOR AUDITOR, WAQF BOARD, ANANTAPUR
DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that
in the circumstances stated in the affidavit filed therewith, the High
Court may be pleased to issue a Writ, Order or direction more

particularly one in the nature of WRIT OF MANDAMUS declaring the orders of 3rd respondent in F.No.O3/ATP/M/2020 dated 09.01.2025 rejecting the case of petitioner for appointment as regular Muthavalli and consequential proceedings in F.No. 03/ATP/M/2020-2 dated 09.01.2025 directing the 4th respondent to take charge from the petitioner and panchanama of 4th respondent being bad, illegal, arbitrary, contrary to provisions of Waqf Act 1995, passed in gross violation of principle of natural justice, besides offending Article 14 and 26 of Constitution of India and consequentially to set aside the same and to direct to consider the case of petitioner to appoint as permanent Muthavalli of Jamiya Mosque (Khooni Masjid) and its attached properties situated at Pamidi (T and M), Ananthapuramu District and to pass such other order or orders.

IA No: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased allow the present I.A. and consequently permit the implead petitioner herein as Party respondent no. 5 to the present W.P., to protect the interest of the wakf institution and its attached properties involved in the W.P. in the interest of justice and present circumstances of the case and pass such other order or orders.

IA No: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to implead the petitioners as respondents no. 5 and 6 in the above writ petition No. 1490 of 2025 including in the miscellaneous petitions and pass such other order or orders.

Counsel for the Petitioner:

1.V HIMABINDU

Counsel for the Respondent(S):

1.GP FOR SOCIAL WELFARE

2.SHAIK KHAJA BASHA

The Court made the following:

ORDER:

Shorn of all unnecessary facts and precisely, the writ petition is to set aside the proceedings dated 09.01.2025 issued vide F.No.03/ATP/M/2020 dated 09.01.2025. On the arguments that advanced by the learned counsel for the Writ Petitioner, it appears that the petitioner was appointed as temporary Muthavally under Section 63 of Waqf Act 1995 (for short hereinafter referred to as the Act), subsequently, the petitioner herein made an application under Section 42 of the Act, to appoint him as permanent Muthavalli and the said application was rejected through impugned proceedings dated 09.01.2025, on the ground that to conduct an enquiry and to ascertain the facts stated in the joint representation/complaint petition received from Jamath of Jamia Masjid, Pamidi (V & M), alleging that there were certain bind over cases against Sri B. Rukman S/o. B. Basheer (writ petitioner) before the Tahsildar and SHO of concerned PS of Pamidi and several Court cases are pending before the High Court of Andhra Pradesh and the Board resolved to appoint Sri Abdul Khuddus, Executive Officer, A.P.S.W.B., and to submit the report.

2. Learned counsel for the petitioner would submit that the respondents have not conducted any enquiry and without conducting any enquiry, rejected the application filed under Section 42 of the Act. Hence, he would prayed this Hon'ble Court, to set aside the impugned

proceedings and to direct the respondent authorities to conduct proper enquiry and pass appropriate orders on the application made by the petitioner under Section 42 of the Act.

3. Learned counsel for the respondents would submit that a panchanama was conducted and enquiry notice also issued to the Writ Petitioner, however, orally admitted that no enquiry was conducted against the petitioner.

4. As rightly, argued by the petitioner, no enquiry was conducted.

5. Without going into the merits of the case, the Writ Petition is disposed of directing the petitioner to make a fresh application to the 2nd respondent-Waqf Board, under the appropriate provisions of the Act, within a period of two weeks from the date of receipt of the order. On filing such application, the respondents are directed to conduct enquiry, after giving an opportunity to the petitioner and after effecting the notice to the affected parties and pass appropriate orders and communicate the decision to the petitioner.

6. This Court vide proceedings dated 22.01.2025 has suspended the operation of panchanama proceedings of Respondent No.4, dated 18.01.2025 enabling the petitioner to continue as Muthavalli of Jamiya Mosque and its attached properties situated at Pamidi (V & M),

Anantapuramu District, for a period of three weeks. Later the interim order was extended from time to time.

7. In view of the said suspension order granted by this Court, the respondents are directed to continue the petitioner as Muthavalli, until appropriate orders are passed by the 2nd respondent-Waqf Board, on the fresh application filed by the writ petitioner.

8. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, interlocutory applications, if any, pending in this writ petition shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 22.04.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

W.P.No. 1490 OF 2025

Date: 22-04-2026

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