

[3330]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 2930 OF 2026

Between:

1. Masjid E Faiz & Eidgah Welfare Society, (Regd.No.179/2021), #20-713, Yanamalakuduru Village, Penamaluru, Krishna District, Rep. by its President Chinna Babu alias Shaik Ashraf S/o. Sattar, Aged about 52 years, R/o.D.No.25-152, Ramalayam Street, Yanamalakuduru, Penamaluru, Krishna District.
2. Jannatul Bakhi Khabarastan Our Eidgah Welfare Society, (Regd.No.597/2022), #20-713, Yanamalakuduru Village, Penamaluru, Krishna District, Rep. by its President Chinna Babu alias Shaik Ashraf, S/o. Sattar, Aged about 52 years, R/o.D.No.25-152, Ramalayam Street, Yanamalakuduru, Penamaluru, Krishna District

Petitioners

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Minority Welfare Department, A.P. Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.-522237.
2. The Andhra Pradesh State Wakf Board, rep. by its Chief Executive Officer, 4th & 5th Floor, Imdad Ghar, Opp. K.R. Market, Vijayawada, Krishna District, A.P.-520002.
3. The Chief Executive Officer, Andhra Pradesh State Wakf Board, 4th & 5th Floor, Imdad Ghar, Opp. K.R. Market, Vijayawada, Krishna District, A.P.-525001
4. The Inspector Auditor Wakf, Krishna District 515001

Respondents

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 Impugned Muntakhab proceedings vide F.No.133/Regn/KST/2023 dated 03.04.2025 published in the A.P. Gazette part-II on 11.04.2025 issued by the 2nd Respondent thereby registering the petitioners institutions i.e. Jannatul Bakhi Khabrasthan, Eidgah and Masjid and its attached properties situated in R.S.No.1/1 to an extent of Ac.2.73 cents at Yanamalakuduru Village, Penamaluru Mandal, Krishna District as Wakf under Section 40 & 41 of the Waqf Act, 1995 and entered in the Book of Endowment, Volume No.1 at Page No.85, Sl.No.15 without following due process of law is being illegal, arbitrary, unconstitutional, without jurisdiction and authority, in violation of principles of natural justice, in violation of the Interim Order dt.22.04.2024 in I.A.No.1 of 2024 in W.P.No.9208 of 2024 passed by this Hon'ble Court, in violation of Final order dt.14.11.2024 in W.A.Nos.641 & 756 of 2024 passed by the Division Bench of this Hon'ble High Court and also in violation of provisions of the Wakf Act, 1995 and rules made there under.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the operation of the Impugned Muntakhab proceedings vide F.No.133/Regn/KST/2023 dated 03.04.2025 published in the A.P. Gazette Part-II on 11.04.2025 issued by the 2nd Respondent, Pending disposal of WP 2930 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI MASALEGAR HIDAYATHULLA, Advocate for the Petitioners, GP FOR SOCIAL WELFARE Advocate for the Respondent No.1, Sri SK. KHAJA

BASHA, Standing Counsel for the Respondent Nos.2 to 4, the Court made the following

ORDER:

A Division Bench of this Court, in Writ Appeal No. 641 of 2024, granted an interim order of status quo ante vide order dated 17.10.2024 regarding the property in R.S. No. 1/1, which was subsequently made a final order vide order dated 14.11.2024. Despite this, the respondents have notified the said land as Wakf property through the impugned notification dated 03.04.2025 on the ground that it is a 'Wakf by user'.

The petitioner society has challenged these proceedings, contending that R.S.No.1/1 at Revenue Ward No.19, Yenamalakuduru village, Penamaluru Mandal, is not Wakf property and that the status quo ante i.e. 27.03.2024 order indicates the petitioner's possession. Furthermore, the petitioner argues that there is no evidence to establish that the property was dedicated by any person to reckon the property as Wakf by user as defined under Section 3 (r) of the Wakf Act 1995.

As this matter requires detailed adjudication, there shall be an interim suspension of the impugned proceedings for a period of one week.

List the matter after one (1) week.

//TRUE COPY//

SD/- B.PRASAD RAO
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Minority Welfare Department, A.P. Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.-522237, State of Andhra Pradesh (BY SPECIAL MESSENGER)
2. The Chief Executive Officer, Andhra Pradesh State Wakf Board, 4th & 5th Floor, Imdad Ghar, Opp. K.R. Market, Vijayawada, Krishna District, A.P.-520002.

3. The Chief Executive Officer, Andhra Pradesh State Wakf Board, 4th & 5th Floor, Imdad Ghar, Opp. K.R. Market, Vijayawada, Krishna District, A.P.-525001
4. The Inspector Auditor Wakf, Krishna District 515001 (Addressee Nos.2 to 4 by SPEED POST)
5. One CC to SRI. MASALEGAR HIDAYATHULLA Advocate [OPUC]
6. Two CCs to GP FOR SOCIAL WELFARE ,High Court Of Andhra Pradesh. [OUT]
7. One CC to SRI SK. KHAJA BASHA, STANDING COUNSEL [OPUC]
8. One spare copy

Kj

HIGH COURT

TRR,J

DATED:03/02/2026

LIST THE MATTER AFTER ONE (1) WEEK

ORDER

WP.No.2930 of 2026

INTERIM SUSPENSION

