



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

[3330]

**THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

**PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

WRIT PETITION No.4281 of 2026

Between:

1. SHAIK ABDUL KAREEM, S/O. DARIYA SAHEB, AGED ABOUT 76 YEARS, OCC MUSALLI, CHOTI MASJID @ MARKAZ MASJID, AT PATHIVARI STREET, ONGOLE, R/O. D.NO.19-6-3, KOTA STREET, OPP BAPUJI COMPLEX, ONGOLE, PRAKASAM DISTRICT, A.P, 523001
- 2.. MOHD. IMRAN, S/O. MOHD. ABDUL HAFEEZ, AGED ABOUT 38 YEARS, OCC MUSALLI, CHOTI MASJID @ MARKAZ MASJID, AT PATHIVARI STREET, ONGOLE, R/O. KOTA STREET, OPP BAPUJI COMPLEX ONGOLE, PRAKASAM DISTRICT, A.P 523001

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MINORITY WELFARE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, A.P. 522238
2. THE ANDHRA PRADESH STATE WAKF BOARD, REP. BY ITS CHIEF EXECUTIVE OFFICER, 4TH AND 5TH FLOOR, IMDADGHAR WAKF COMPLEX, OPP K.R. MARKET, VIJAYAWADA, NTR DISTRICT. 520001
3. THE CHIEF EXECUTIVE OFFICER, ANDHRA PRADESH STATE WAKF BOARD, 4TH AND 5TH FLOOR, IMDADGHAR WAKF COMPLEX, OPP K.R. MARKET, VIJAYAWADA, NTR DISTRICT.520001
4. THE SUPERINTENDENT OF POLICE, PRAKASAM DISTRICT, AT ONGOLE, PRAKASAM DISTRICT, A.P.523001
5. THE SUBDIVISIONAL POLICE OFFICER, ONGOLE, PRAKASAM DISTRICT. 523001
6. THE STATION HOUSE OFFICER, ONGOLE 1-TOWN P.S., PRAKASAM DISTRICT, A.P
7. THE DISTRICT MINORITY WELFARE OFFICER, PRAKASAM

DISTRICT, AT ONGOLE, PRAKASAM DISTRICT, A.P. 523001

8. THE ELECTION OFFICER, CHOTI MASJID @ MARKAZ MASJID, ONGOLE, PRAKASAM DISTRICT, OPP COLLECTORATE, ONGOLE, PRAKASAM DISTRICT, A.P. 523001
9. INSPECTOR AUDITOR WAKFS, ONGOLE CITY, PRAKASAM DISTRICT, OPP COLLECTORATE, ONGOLE, PRAKASAM DISTRICT, A.P. 523001
10. THE INSPECTOR AUDITOR WAKF, PRAKASAM DISTRICT, OPP COLLECTORATE, ONGOLE, PRAKASAM DISTRICT, A.P. 523001

...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 action of the respondents particularly the respondent nos.2, 3, 8 and 9 for not concluding the election by preparing final voters list as per the procedure prescribed in F.No.02/DM and Rent/PKM/2021, dated 08.05.2025 and the consequential Memo dated 24.07.2025 is being illegal, arbitrary, unconstitutional and against the provisions of the UMEED Act, 1995 and the A.P.Wakfs Managing Committee (Constitution, Functions and Duties) Regulations, 2009 and also in violation of the orders passed by this Honble Court in W.P.NO.34320 of 2022, dated 26.07.2023 and W.P.No.13596 of 2025, dated 19.06.2025 and consequentially direct the respondents more particularly the respondent nos.2, 3, 8 and 9 to conclude the election if necessary by taking police protection from the respondents 4 to 6 in the process of election of the Notified Wakf Institution namely Choti Masjid @ Markaz Masjid, at Pathivari Street, Ongole Prakasam District in a time bound schedule.

Counsel for the Petitioner(S):

1. SURYAM GANNAVARAPU

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR SOCIAL WELFARE
3. SHAIK KHAJA BASHA

The Court made the following:

ORDER:

The Writ Petition is filed aggrieved by the action of the respondents, particularly, respondent Nos.2, 3, 8 and 9 for not conducting election by preparing final voters list as per the procedure prescribed in F.No.02/DM&Rent/PKM/2021 dated 08.05.2025, on the ground that the said action of the respondents is illegal, arbitrary and unconstitutional and against the provisions of the Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995 (UMEED Act) and also contrary to the Regulation 10 of the Andhra Pradesh Waqfs Managing Committee (Constitution, Functions and Duties) Regulations, 2009, and in violation of the orders passed by this Court in W.P.No.34320 of 2022 dated 26.07.2023 and W.P.No.13596 of 2025 dated 19.06.2025 and consequently prayed to direct the respondents to conclude the election if necessary by taking police protection from the respondent Nos.4 to 6 in the process of election of the Notified Waqf Institution, namely, Chiti Masjid @ Markaz Masjid at Pathivari Street, Ongole, Prakasam District in a time bound schedule and for consequential reliefs.

2. The 3rd respondent has issued a proceeding dated 08.05.2025, which indicates that the election will be held on 09.07.2025 under Regulation 10 of the Andhra Pradesh Waqfs Managing Committee (Constitution, Functions and Duties) Regulations, 2009 and the result will be announced on the same day and forward the same to the A.P.State Waqf Board by the Inspector Auditor Waqf, Prakasam District under Regulation 10(3) of the Andhra Pradesh Waqfs Managing Committee (Constitution, Functions and Duties) Regulations, 2009. The

said notice dated 08.05.2025 is subject matter of the Writ Petition No.13596 of 2025. A learned Single Judge of this Court disposed of the Writ Petition at the admission stage, directing the respondents 6 and 7 therein to conduct election to the aforesaid Masjid, strictly adhering to Regulation 10 of the Andhra Pradesh Waqfs Managing Committee (Constitution, Functions and Duties) Regulations, 2009, and the Court also directed the police to take appropriate action if law and order issue arises.

3. It is the resentment of the petitioners that the respondent Nos.4, 5 and 6 (police) are interfering with the election process. Hence, petitioners' counsel urges this Court to direct the police not to interfere with the elections process and to further direct the respondents 3, 8 and 9 to conduct the elections as per Regulation 10(3) of the Andhra Pradesh Waqfs Managing Committee (Constitution, Functions and Duties) Regulations, 2009.

4. Learned Standing Counsel for the 3rd respondent has furnished written instructions (undated) addressing that, despite the orders of this Court in W.P.No.113596 of 2025 dated 19.06.2025, they are unable to conduct the elections, as the police authorities have not extended their protection to conduct election for constitution of the Managing Committee in a smooth manner.

5. Learned Assistant Government Pleader for Home Smt. Shaik Shahin placed written instructions addressed by the Station House Officer, Ongole I Town Police Station, and the relevant paragraphs are extracted hereunder:

"2. In this connection, it is humbly submitted that the respondent police authorities have not, till date, received any written requisition, communication, or formal request from the competent Waqf authorities or the concerned official respondents, particularly respondent Nos.2, 3, 8 and 9, seeking police protection or bandobast for the purpose of conducting the election process to the Managing Committee of Choti Masjid @ Markaz Masjid, Ongole. As per the record available with the police department, no proposal, schedule of election, or specific request indicating the date, time, and venue of the election has been forwarded to enable the police to make necessary security arrangements.

3. It is further submitted that the role of the respondent police is limited to maintaining law and order and providing assistance when duly requisitioned by the competent authority in accordance with law. In the absence of any such formal requisition from the Waqf Board or the Election Officer concerned, the question of providing police protection does not arise at this stage.

4. However, it is respectfully submitted that if and when any such requisition is received from the concerned competent authority for providing police aid in connection with the voter enrollment process or conduct of elections, the respondent police shall promptly examine the same and make necessary bandobast arrangements to ensure that the election process is conducted peacefully and

smoothly, without any breach of law and order in Ongole Town, strictly in accordance with law. "

6. Written instructions indicate that the police authorities are not interfering with the election process.

7. Hence, the present Writ Petition is disposed of, directing the respondent Nos.2, 3, 8 and 9 to conduct the elections for the above said Masjid, as expeditiously as possible, as per the Regulation 10(3) of the Andhra Pradesh Waqfs Managing Committee (Constitution, Functions and Duties) Regulations, 2009, and the respondent Nos.4 to 6 are directed not to interfere with the election process and further directed to provide bandobast for smooth conducting of elections.

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

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 19.02.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.4281 of 2026

Date: 19.02.2026

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