

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

WEDNESDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

**THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION NO: 7183 OF 2024**



Between:

Mohammed Ghouse, S/o.Abdul Vahad aged about 56 years, R/o. D.No.8-20-6, Tamil Street, Chinna Waltair Near Masjid, Visakhapatnam, Visakhapatnam District.

Petitioner

AND

1. The State of Andhra Pradesh, Minority Welfare Department, Secretariat, Velagapudi, Amaravathi, Guntur District. Rep. by its Principal Secretary
2. The Andhra Pradesh State Waqf Board., Rep. by its Chairman. Vijayawada, Krishna District.
3. The AP State Waqf Board, Rep by its CEO, Vijayawada, Krishna District.
4. District Revenue Officer/ District Waqf Office, Visakhapatnam District, at Visakhapatnam
5. Inspector Auditor, Waqf, Visakhapatnam District at Visakhapatnam t
6. Shaik Rahim, Advisor, Chinna Waltair Mohammadiya Mosque at Visakhapatnam, Visakhapatnam District
7. Md Ibrahim, Advisor, Chinna Waltair Mohammadiya Mosque at Visakhapatnam, Visakhapatnam District

Respondents

WHEREAS the Petitioner above named through his Advocate SRI N. RAVI PRASAD, presented this 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 or order direction more particularly one in the nature writ of Mandamus, declaring the action of respondents No. 2 and 3 in issuing or impugned Memo No. 19/Rent/VSP/2018 dated 06-03-2024 appointing respondents 6 and 7 as advisors for the masque during Ramzan - 2024 Month instead of appointing the petitioner as hereditary Muthavali to Chinna Waltair Mohammadiya Mosque situated at Visakhapatnam by considering the representation dated 12-04-2023 as per the directions of this Hon'ble Court in WP No. 24238 of 2023 dated 15-09-2023, deliberately and without jurisdiction and declare the same as illegal, arbitrary and unconstitutional and consequently set aside the Memo No. 19/Rent/VSP/2018 dated 06-03-2024 issued by the 3rd respondent.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri N. RAVI PRASAD, Advocate for the Petitioner, and of Mr. S. Arifullah, Standing Counsel for respondent Nos.3 to 5,

directed issue of notice to the Respondent Nos.6&7 herein to show cause as to why this WRIT PETITION should not be admitted.

— You viz:

1. Shaik Rahim, Advisor, Chinna Waltair Mohammadiya Mosque at Visakhapatnam, Visakhapatnam District
2. Md Ibrahim, Advisor, Chinna Waltair Mohammadiya Mosque at Visakhapatnam, Visakhapatnam District

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 03.04.2024, on which date the case stands posted for hearing.

— **IA NO: 1 OF 2024**

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 direct the respondents 2 and 3 to allow the petitioner to discharge his duties as hereditary Muthavali to the Chinna Waltair Mohammadiya Mosque situated at Visakhapatnam, Pending disposal of WP 7183 of 2024, on the file of the High Court.

— **IA NO: 2 OF 2024**

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 direct the respondents 2 to 7 to restore the water supply to all the shops of Chinna Waltair Mohammadiya Mosque situated at Visakhapatnam, Pending disposal of WP 7183 of 2024, on the file of the High Court.

— **ORDER:**

“Heard learned counsel for the petitioner, who made submissions with reference to the provisions of the Waqf Act.

The learned Standing Counsel, Mr.S. Arifullah appearing on behalf of respondent Nos.3 and 5 made submissions with reference to the order dated 02.02.2023 in W.P No.2486 of 2023. However, it would appear that entertaining a representation of the respondent Nos.6 & others, the 5th respondent appears to have submitted a report on his own. In fact, the 5th respondent is ordained to ensure care of the affairs of the Waqf Institution in question as per the above mentioned order.

Prima facie, this Court is satisfied that the proceedings dated 06.03.2024 are not only contrary to the provisions of the Act, but also to the orders referred to above. Hence, there shall be a direction to the 5th respondent not to avail the advisory services of respondents 6 and 7, until further orders.

Issue notice to respondent Nos.6 and 7.

Learned counsel for the petitioner is permitted to take out personal notice on respondent Nos.6 and 7 by registered post with acknowledgement due and file proof of service in the Registry by the date of next adjournment.

List the matter on 03.04.2024."

T I
Sd/- B. CHITTI JOSEPH
ASSISTANT REGISTRAR

//TRUE COPY//

For SECTION OFFICER

To,

1. Shaik Rahim, Advisor, Chinna Waltair Mohammadiya Mosque at Visakhapatnam, Visakhapatnam District
2. Md Ibrahim, Advisor, Chinna Waltair Mohammadiya Mosque at Visakhapatnam, Visakhapatnam District (Addressee Nos. 1&2 by RPAD)
3. One CC to SRI. N RAVI PRASAD Advocate [OPUC]
4. One CC to Mr. S. ARIFULLAH STANDING COUNSEL [OPUC]
5. Two CCs to GP FOR MINORITY WELFARE , High Court of Andhra Pradesh. [OUT]
6. One spare copy

Kj

HIGH COURT

NJS,J

DATED:20/03/2024

LIST THE MATTER ON 03.04.2024

NOTICE BEFORE ADMISSION

WP.No.7183 of 2024

DIRECTION

