

APHC010216602026



**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: 10828/2026

Between:

1. SGN HAFEEZ PASHA, HEREDITARY SAJJADANASHEEN CUM MUTAWALLI, AGED 47 YEARS, DARGAH SYED SHAH HAJI KHAWAJA RAHMATULLAH SAHEB PEER @ NAYAB-E-RASOOL AND MASJID, A.S. PETA SPSR NELLORE DISTRICT. 524304

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MINORITIES WELFARE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT. 522241.

2. THE ANDHRA PRADESH STATE WAQF BOARD, REP. BY ITS CHIEF EXECUTIVE OFFICER, IMDAD GHARWAQF COMPLEX, VIJAYAWADA, KRISHNA DISTRICT. 520001.

3. DARGAH SYED SHAH HAJI KHAWAJA RAHMATULLAH SAHEB PEER NAYABERACOOOL AND MASJID, , A.S. PETA SPSR NELLORE DISTRICT. 524304.

4. THE CHIEF EXECUTIVE OFFICER, ANDHRA PRADESH STATE WAQF BOARD IMDAD GHAR WAQF COMPLEX, VIJAYAWADA, KRISHNA DISTRICT. 520001

...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 4th Respondent, in issuing the impugned speaking order vide F.No.02/M/NLR/2017/Z-IV/Supply dated 10.04.2026, as illegal, arbitrary, without jurisdiction, and in violation of section 64(2) of the Waqf Act, 1995, as well as contrary to the law laid down by the Honble Supreme Court in Syed Mohammed Ghouse Pasha Khadri V. Syed Mohammed Adil Pasha Khadri in Civil Appeal Nos 13345 - 13346 of 2015 (Special Leave Petition (Civil) Nos. 13229 - 13230 of 2009) dt 02.04.2026. and consequently set aside the said impugned speaking order dated 10.04.2026, and further direct the Respondents, particularly the Andhra Pradesh State Waqf Board, not to interfere with, regulate, or remove the Petitioner from the office of Sajjadanashen of the 3rd Respondent-Dargah, which is a hereditary spiritual office, and pass

IA NO: 1 OF 2026

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 grant stay of all further proceedings pursuant to the impugned speaking order dated 10.04.2026, including any proposed action against the Petitioner in respect of his office as Sajjadanashen, pending disposal of the writ petition and pass

Counsel for the Petitioner:

1. RAVULA NAGARJUNA

Counsel for the Respondent(S):

1. GP FOR SOCIAL WELFARE

2. SHAIK KHAJA BASHA

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.10828 OF 2026

ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...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 4th Respondent, in issuing the impugned speaking order *vide* F.No.02/M/NLR/2017/Z-IV/Supply dated 10.04.2026, as illegal, arbitrary, without jurisdiction, and in violation of section 64(2) of the Waqf Act, 1995, as well as contrary to the law laid down by the Hon'ble Supreme Court in Syed Mohammed Ghouse Pasha Khadri V. Syed Mohammed Adil Pasha Khadri in Civil Appeal Nos: 13345 - 13346 of 2015 (Special Leave Petition (Civil) Nos. 13229 - 13230 of 2009) dt 02.04.2026. and consequently set aside the said impugned speaking order dated 10.04.2026, and further direct the Respondents, particularly the Andhra Pradesh State Waqf Board, not to interfere with, regulate, or remove the Petitioner from the office of Sajjadanashen of the 3rd Respondent-Dargah, which is a hereditary spiritual office, and pass such other order or orders ...”

2. The 2nd respondent earlier issued show-cause notice dated 24.12.2025, calling upon the petitioner to submit an explanation along with documentary evidence, if any, for not discharging his daily duties and rituals in Dargah as Sajjadanashen. Challenging the said show-cause notice, the petitioner filed a writ petition *vide* W.P.No.347 of 2026 before this Court and a Co-ordinate Bench of this Court, *vide* order dated 05.01.2026, disposed of the said writ petition, directing the 2nd respondent to pass speaking order, in accordance with law, objectively after considering the explanation submitted by the

petitioner, and communicate the same to the petitioner forthwith and also directed the 2nd respondent to give a reasonable opportunity to the petitioner to respond in writing, which shall be at least two weeks.

3. Aggrieved by the said order of the learned Single Judge, the petitioner preferred an intra-Court appeal *vide* W.A.No.172 of 2026. The said appeal *inter alia* was disposed of by the Division Bench of this Court, *vide* order dated 26.02.2026, confirming the orders of learned Single Judge, directed that in case the order passed by the concerned authority is adverse to the interest of the petitioner, the same be not implemented against the petitioner for a period of three weeks, with a view to enable the petitioner to work out his remedies.

4. Now the present impugned order dated 10.04.2026 came to be passed by the 4th respondent, as a speaking order, calling upon the petitioner to show-cause as to why the petitioner should not be removed from the post of Sajjadanashen Office of A.S.Peta Mosque and Tomb Dargah, within a period of two weeks from the date of receipt of a copy of the order, either by submitting an explanation or appearing before the undersigned-4th respondent physically in-person.

5. The said order has been assailed in the present writ petition on the ground that this Court directed the 2nd respondent, before passing any order, to give the petitioner an opportunity of hearing and to enable him to submit an explanation. The petitioner has submitted his explanations to the 2nd respondent on 13.01.2026 and 10.03.2026. Without considering the said

explanations, the present impugned order came to be passed, hence, present writ petition.

6. Heard Sri O.Manohar Reddy, learned Senior Counsel, assisted by Sri Ravula Nagarjuna, learned counsel for petitioner, and Sri Shaik Basha, learned Standing Counsel for respondent Nos.2 to 4.

7. Learned counsel appearing on behalf of the petitioner submits that this Court directed the 2nd respondent to pass appropriate speaking orders after giving personal opportunity of hearing to the petitioner. However, the impugned final order came to be passed by the 4th respondent without considering the petitioner's explanations. Hence, prayed to set aside the impugned proceedings.

8. Learned counsel for respondent Nos.2 to 4 submits that show-cause notice was issued to the petitioner on 10.04.2026 and that against a show-cause notice writ petition is not maintainable.

9. On perceiving the impugned order, the speaking order is not a show-cause notice and it is a final order passed by the 4th respondent violating the directions issued by this Court.

10. Therefore, with the consent of both the learned counsel, the Writ Petition is disposed of at the admission stage, with the following directions:

(a) the impugned speaking order dated 10.04.2026 is hereby set aside, as it is delivered contrary to the order in W.P.No.347 of 2026 dated 05.01.2026.

(b) the 2nd respondent is directed to consider the explanations offered by the petitioner in accordance with law, after giving an opportunity of personal hearing to the petitioner, and pass appropriate orders in accordance with law and communicate the decision to the petitioner as expeditiously as possible.

(c) the petitioner is at liberty to raise all grounds before the authority.

(d) if any orders passed by the 2nd respondent in adverse to the interest of the petitioner, the same shall not be implemented against the petitioner for a period of three weeks to enable the petitioner to work out the remedies, as observed by the Division Bench in W.A.No.172 of 2026 dated 26.02.2026.

(e) There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 22.04.2026
KBN

148

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.10828 of 2026

Date: 22.04.2026
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