



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

[3331]

TUESDAY ,THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 11255/2025

Between:

Manikyam Arish Ahemmad

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.MASALEGAR HIDAYATHULLA

Counsel for the Respondent(S):

1.PILLA YASWANI

2.

3.SHAIK KHAJA BASHA

The Court made the following interim order:

WRIT PETITION NO: 11255/2025

Rule *nisi*. Call for records.

Notice returnable by four (4) weeks.

SUBBA REDDY SATTI, J

I.A.No.1 of 2025

The above writ petition is filed to declare the proceedings vide F.No.B3/6/ATP/2003 dated 07.04.2025 issued by the 2nd respondent constituting the Managing Committee for three institutions i.e. 1) Hazrath

Mastan Vali Dargah, 2) Jamia Masjid Idgah and 3) Choti Masjid due to resignation submitted by one Janab Atavur Rahman as Mutawalli, as illegal and arbitrary.

2. Heard Sri Subhan, learned counsel appearing for M.Hidayathualla for the petitioner and Sri Shaik Khaja Basha, learned standing counsel for respondents 2 and 3 and Sri K.S.Murthy, learned senior counsel assisted by Sri Pilla Yaswani, learned counsel for respondents 4 to 13.

3. Learned counsel for the petitioner would submit that without following the procedure mandated under the Andhra Pradesh Wakf Managing Committee (Constitutions, Functions & Duties) Regulations, 2009, the CEO of the 2nd respondent appointed the Committee for three institutions. Learned counsel particularly point out that regulation 10 of the Regulations, 2009 regarding election has not been adhered to.

4. Learned senior counsel and learned standing counsel, on the other hand, would submit that Mussallis of the institutions elected one Manikyam Baba Fakruddin, S/o M.Khuddos Sab, as Manager and other persons as Committee members unanimously on 14.02.2025 at 2.30. Thereafter, a representation was made by Manikyam Baba Fakruddin for constituting a Managing Committee on 14.02.2025. The Inspector Auditor of Wakf submitted report dated 27.03.2025 and thereafter, the Board passed a resolution No.42/2025 dated 02.04.2025 appointing the 4th respondent Managing Committee.

5. Regulation 5 of the Regulations, 2009 prescribes method of constitution of Managing Committee. Regulation 6 prescribes eligibility to become a Mussalli.

6. Regulation 10 prescribes the procedure to conduct election. The Inspector Auditor Wakf or any other person authorized by the Board any person specifically appointed by the Board shall notify the date, time and place of the election at least 15 days, in advance of the polling date and preparation of voters list etc.

7. Proviso to Regulation 10(3) which is relevant is extracted as under:

“Provided that the above exercise is not necessary in the event of unanimous election of the panel and the same shall be certified and forwarded to the Board”

A plain reading of the proviso to Regulation 10(3), it would indicate that the election process is not necessary in the event of unanimous election of the panel and further certification.

8. In the case at hand, as seen from the proceedings impugned, no election notification was issued after the resignation of Muthawalli to the institutions referred to supra.

9. The original record produced by learned standing counsel would indicate that Muslim elders in the village under the presidentship of Sri Noor Mohammad, elected Sri Manikyam Baba Fakruddin as Manager and other persons as members. The record doesn't indicate how many Musallies are registered with the institution. In the absence of the same, unanimous election doesn't arise coupled with the fact that the petitioner is also requesting the authority to appoint the petitioner as managing committee.

10. *Prima facie*, the resolution does not indicate the procedure contemplated under Regulation 10 of the Regulations, 2009.

11. Given the reasons, the proceedings impugned vide F.No.B3/6/ATP/2003 dated 07.04.2025 issued by the 2nd respondent are hereby suspended.

However, this order will not preclude the 2nd respondent to constitute a fresh Managing Committee in accordance with Rules and Regulations. Till the constitution of a managing committee, the 2nd respondent shall take necessary steps to look after the day today affairs of the institutions.

SUBBA REDDY SATTI, J

