

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
TUESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

: PRESENT:

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI
IA No. 1 OF 2025

IN

WP NO: 11255 OF 2025

Between:

1. Manikyam Arish Ahammad,
S/o. Manikyam Basheer,
Aged about 39 years, Occ: Business,
R/o.D.No.3-88, Darga Street,
Kothacheruvu Village and Mandal,
Sri Satya Sai District, A.P.

...Petitioner

-AND-

1. The State of Andhra Pradesh,
Rep. by its Principal Secretary to
Minority Welfare Department,
A.P. Secretariat Buildings, Velagapudi,
Amaravathi, Guntur District.
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.
3. The Inspector Auditor Waqfs,
Sri Satya Sai District.
4. The Managing Committee,
Hazrath Mastan Vali Dargah, Jamia Masjid,
Idgah, Burial Ground & Choti Masjid (Jumma Masjid),
Situated at Kothacheruvu (V & M)
Rep. by its President Sri Manikyam Baba Fakruddin,
S/o. M. Khuddus Sab, Aged about 50 years, Occ: Business,
R/o.D.No.1-144, Boya Veedhi,

Kothacheruvu Village and Mandal,
Sri Satya Sai District, A.P.

5. Manikyam Baba Fakruddin (President),
S/o. M. Khuddus Sab, Aged about 50 years,
Occ: Business, R/o.D.No.1-144, Boya Veedhi,
Kothacheruvu Village and Mandal,
Sri Satya Sai District, A.P.
6. Jagaraju Palli Abdul Shafi (Vice-President),
S/o. Jagaraju Palli Zikria Sab, aged about 65 years,
R/o. Shoe Mart, Puttaparthi Road,
Gram Panchayat Complex, Kothacheruvu (V & M),
Sri Satya Sai District, A.P. – 515 133.
7. Muntimadugu Imam Sab (Secretary),
S/o. Muntimadugu Dastagiri, aged about 63 years,
Occ: Retd. Teacher, R/o. Near Old MRO Office,
Kothacheruvu (V & M),
Sri Satya Sai District, A.P. – 515 133.
8. Syed Anwar (Treasurer),
S/o. Late Syed Ali Sab, aged about 50 years,
Occ: Business, C/o.Dargah Complex, Dargah Colony,
Kothacheruvu (V & M),
Sri Satya Sai District, A.P. – 515 133.
9. Shaik Roshan Sab (Member),
S/o. Y. Silar Sab, aged about 55 years,
Occ: Chicken Centre,
C/o. Dargah Shopping Complex,
Kothacheruvu (V & M),
Sri Satya Sai District, A.P. – 515 133.
10. Shaik Nabi Rasool (Member),
S/o. Beedupalli Masthan Vali, aged about 35 years,
Occ: Welder, C/o.Near Basavannakatta,
Kothacheruvu (V & M),
Sri Satya Sai District, A.P. – 515 133.

11. Kolkar Ezaz (Member), S/o. Kolkar Hidayathulla,
Aged about 30 years, Occ: Welder,
C/o. Penukonda Road, Near Z.P. High School,
Kothacheruvu (V & M),
Sri Satya Sai District, A.P. – 515 133.
12. Badvel Sharfuddin (Member),
S/o. Badvel Saleha Sab,
Occ: Bus Conductor, aged about 55 years,
R/o. Near Shirdi Sai Temple, Kothacheruvu (V & M),
Sri Satya Sai District, A.P. – 515 133.
13. Kolimi Saleem Khan (Member),
S/o. Kolimi Mahamood Khan,
Aged about 56 years,
R/o. Shoe Mart, Nehru Circle,
Gram Panchayat Complex Main Road,
Kothacheruvu (V & M),
Sri Satya Sai District, A.P. – 515 133.

...Respondents

Counsel for the Petitioner: Sri Masalegar Hidayathulla

Counsel for the R1: GP for Minorities Welfare, High Court of AP

Counsel for the R2 & R3: Sri Shaik Khaja Basha, Standing Counsel

Counsel for the R4 to R13: Sri Pilla Yaswani, Advocate

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 suspend the operation of the impugned order vide F.No.B3/6/ATP/2003 dated 07.04.2025 passed by the 2nd Respondent, Pending disposal of WP No.11255 of 2025, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following

ORDER

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.

//TRUE COPY//

For AS

Sd/- SK. MD. RAFI
A: ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary to Minority Welfare Department, State of Andhra Pradesh, A.P. Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Chief Executive Officer, Andhra Pradesh State Wakf Board, 4th and 5th Floor, Imdad Ghar, Opp. K.R. Market, Vijayawada, Krishna District, A.P.

3. The Inspector Auditor Waqfs, Sri Satya Sai District.
4. The President, Managing Committee, Sri Manikyam Baba Fakruddin, S/o. M. Khuddus Sab, Aged about 50 years, Occ:: Business, R/o.D.No.1-144, Boya Veedhi Hazrath Mastan Vali Dargah, Jamia Masjid, Idgah, Burial Ground and Choti Masjid (Jumma Masjid), Situated at Kothacheruvu (V & M), Sri Satya Sai District, A.P.
5. Manikyam Baba Fakruddin (President), S/o. M. Khuddus Sab, Aged about 50 years, Occ:: Business, R/o.D.No.1-144, Boya Veedhi, Kothacheruvu Village and Mandal, Sri Satya Sai District, A.P.
6. Jagaraju Palli Abdul Shafi (Vice-President), S/o. Jagaraju Palli Zikria Sab, aged about 65 years, R/o. Shoe Mart, Puttaparthi Road, Gram Panchayat Complex, Kothacheruvu (V & M), Sri Satya Sai District, A.P. - 515 133.
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14. One CC to Sri Masalegar Hidayathulla Advocate [OPUC]
15. One CC to Sri Shaik Khaja Basha, Standing Counsel [OPUC]
16. One CC to Sri Pilla Yaswani, Advocate [OPUC]
17. Two CCs to GP for Minorities Welfare, High Court of AP
18. One spare copy

HIGH COURT

SRS, J

DATED: 06/05/2025

ORDER

**IA No. 1 OF 2025
IN
WP NO: 11255 OF 2025**

INTERIM SUSPENSION

