

Neutral Citation: _____

Date of reserved for orders :
Date of pronouncement : 23.06.2026
Date of uploading : 24.06.2026

APHC010314272026



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3332]
(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 16420/2026

Between:

1. SHAIK JEELANI ALIAS SAIDA, S/O MAHABOOB, AGED ABOUT 39 YEARS, OCC NOTIFIED HEREDITARY MUTAWALLI, LANKA PEER RUN HUSSAINI PANJA, D.NO. 8-6-1, PANJA CENTRE, WYNCPET, VIJAYAWADA, NTR KRISHNA DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE A P STATE WAQF BOARD, REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER, VIJAYAWADA, NTR KRISHNA DISTRICT, ANDHRA PRADESH - 520001.

2. THE CHIEF EXECUTIVE OFFICER, A.P. STATE WAQF BOARD, VIJAYAWADA, NTR KRISHNA DISTRICT, ANDHRA PRADESH - 520001.

3. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, MINORITIES WELFARE

DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI,
GUNTUR DISTRICT, ANDHRA PRADESH - 522237.

4. THE STATION HOUSE OFFICER SHO, I-TOWN POLICE STATION, VIJAYAWADA, NTR KRISHNA DISTRICT, ANDHRA PRADESH.
5. THE ASSISTANT COMMISSIONER OF POLICE ACP, VIJAYAWADA I-TOWN POLICE STATION, VIJAYAWADA, NTR KRISHNA DISTRICT, ANDHRA PRADESH.
6. SHAIK SULEMAN, S/O SARVAR MUTHAVALLI, AGED 54 YEARS, R/D.NO. 42-13-7R, AJITH SINGH NAGAR, VIJAYAWADA, KRISHNA DISTRICT, ANDHRA PRADESH.
7. SHAIK JEELANI, S/O SARVAR MUTHAVALLI, AGED 48 YEARS, R/O D.NO. 42-13-7R, AJITH SINGH NAGAR, VIJAYAWADA, KRISHNA DISTRICT, ANDHRA PRADESH.
8. SHAIK AKTAR BASHA, S/O SARVAR MUTHAVALLI, AGED 41 YEARS, R/O D.NO. 42-13-7R, AJITH SINGH NAGAR, VIJAYAWADA, KRISHNA DISTRICT, ANDHRA PRADESH.

...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, more particularly, one in the nature of a Writ of Mandamus, declaring the actions and proxy litigations of Respondent Nos. 6 to 8 as illegal, null, void, and without jurisdiction and further direct Respondent Nos. 1 to 5 to protect the Gazette-notified Waqf Property of Lanka Peer Run-Hussain Panja from the hands of these land grabbers, deploy adequate police protection, and secure my unhindered access to manage the institution and conduct the Muharram Festival peacefully, in the interest of justice and to pass such other order or orders or directions as this Hon'ble Court deems fit and proper in the circumstances of the case, 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 direct the Respondents 1 to 5 to adhere the orders in W.P. No. 15742 of 2026, by allowing the Petitioner to have ensure that full, unhindered physical access, management, and custody of the gazetted Waqf Institution (Lanka Peer Run-Hussain Panja, D.No.8-6-1, Vijayawada) remain secured exclusively for the Petitioner to smoothly conduct the Holy Muharram Festival by restraining the Respondent Nos. 6, 7, and 8, either by themselves or acting through any proxy agents, setting up default tenants, or through the petitioner in W.P. No. 15742 of 2026, from interfering in any manner whatsoever with the Petitioner's statutory management of the Waqf property and conduction of the religious procession, pending disposal of the main Writ Petition, in the interest of justice and to pass

Counsel for the Petitioner:

1. CORPUS JURIS LAW PANEL LLP

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR SOCIAL WELFARE
- 3.

The Court made the following:

ORDER:

Declaring the actions and proxy litigations of respondent Nos.6 to 8 as illegal, void and without jurisdiction, the present Writ Petition is filed.

2. Heard Sri Dr.M.V.Raja Ram, learned counsel for the petitioner, Sri Shaik Khaja Basha, learned Standing Counsel for Waqf Board, Smt.A.Jayanthi, learned Government Pleader for Home and Sri M.Giri Babu, learned counsel for respondent Nos.6 to 8.

3. Learned counsel for the petitioner while reiterating the contents of the affidavit filed in support of the writ petition submitted that the Chief Executive Officer, Waqf Board-respondent No.2 herein granted permission to the petitioner under his proceedings *vide* F.No.89/NTR/Per/2023 dated 09.06.2026 to conduct Muharram celebration during the period 15.06.2026 to 30.06.2026 at the premises of Waqf institution except the devotees to participate. In the said order, it further observed that necessary instructions will be sent to the concerned SHO to give police aid without any obstruction and to maintain law and order.

4. Learned counsel further submitted that this Court in W.P.No.13245 of 2026, this Court, relying upon the orders passed by the Division Bench in Writ Appeal No.752 of 2025, upheld the orders of the Chief Executive Officer dated 09.06.2026 and permitted the petitioner to conduct

Muharram as per the directions of the Chief Executive Officer *vide* proceedings dated 09.06.2026. Despite such permission, the respondent Nos.6 to 8 are high-handedly interfering with the help of the police and not allowing the petitioner to conduct Muharram procession. He further submitted that if such action is allowed, the orders passed by this court would be defeated and thereby the rights of the petitioner will be affected.

5. Learned counsel further submitted that in fact, the subject property concerned has been declared as Waqf property in the year 1962 by way of Gazette Notification No.26 dated 28.06.1962. In the said view of the fact, prayed to pass appropriate orders protecting the interest of the petitioner.

6. On the other hand, learned Standing Counsel for Waqf Board submitted that the subject property is notified as Waqf property by virtue of Gazette Notification No.26 dated 28.06.1962. The Chief Executive Officer, after following the procedure contemplated under law, issued the Proceedings dated 09.06.2026 permitting the petitioner to conduct Muharram celebration. In the said view of the fact, the petitioner can conduct Muharram celebration and the police has to give protection if required to protect law and order as well, accordingly, prayed to pass appropriate orders.

7. Learned counsel for respondent Nos.6 to 8 vehemently opposed for entertaining the writ petition on the ground that the petitioner is unsuccessful in getting the injunction in the competent Civil Court, wherein his suit has been dismissed. Further, the property mentioned in the notification is not Waqf property; it is a private property, and the unofficial respondents got it by way of registered document. He further contended that enquiry is pending before the Chief Executive Officer to enquire whether the property is Waqf property or private property. In the said circumstances, the petitioner cannot claim any right over the said property.

8. Learned counsel further contended that 8 suits are filed by respondent Nos.6 to 8 to evict the tenants from the shops and the said suits were decreed and Execution Petitions have been filed pursuant to the same and in order to execute the said decree the tenants have been evicted. In the said circumstances, the petitioner cannot ask for any police protection. He further submitted that the petitioner has suppressed several facts and obtained orders from this court in W.P.No.13245 of 2026 due to which the respondents are contemplated to file a writ appeal. He further submitted that in the present writ petition also the petitioner approached this Court with unclean hands, accordingly, prayed to dismiss the writ petition.

9. In reply, learned counsel for the petitioner contended that there is no enquiry pending and the Enquiry Officer informed that no enquiry can be conducted. As such, the contention of the respondent Nos.6 to 8 is untenable.

10. On the other hand, learned Government Pleader for Home submitted that the respondent-Police are not interfering with the subject property and the orders dated 18.06.2026 passed by the Co-ordinate Bench of this Court would come in the way in giving Police protection as stated by the Chief Executive Officer in his permission proceedings dated 09.06.2026. In fact the police are not coming in the way of conducting procession by the petitioner, accordingly, prayed to pass appropriate orders.

11. Perused the record and considered the submissions made by the learned counsel for the respective parties.

12. There is a serious dispute with regard to the title of the subject property. The unofficial respondents are claiming that the properties mentioned in the Gazette Notification No.26 dated 28.06.1962 are private properties and they secured the same by way of registered document. It is the contention of respondent Nos.6 to 8 that a revision is pending before the Chief Executive Officer and the enquiry is pending with regard

to title. However, learned counsel for the petitioner submitted that the enquiry officer reported that they cannot enquire in that regard.

13. Be that as it may, the operative portion of the proceedings issued by the Chief Executive Officer-Respondent No.2 herein vide F.No.89/NTR/Per/2023 dated 09.06.2026 reads as under:

“For the aforesaid reasons Sri Shaik Jeelani @ Saida is permitted to conduct Moharram celebrations during the period 15.06.2026 to 30.06.2026 at the premises of Waqf Institution without any interference by third parties except devotees to participate. Necessary instructions will be sent to concern Station House Officer to give police aid in performing Moharram celebrations during the period 15.06.2026 to 30.06.2026 without any obstruction and to maintain law and order at the premises.”

14. The said proceedings have been assailed by the unofficial respondent Nos.6 to 8 herein and got filed in Writ Petition No.15440 of 2026 and the petitioner also filed Writ Petition No.13245 of 2026 to consider his representation to recognize him as muthavali and accord permission to him to conduct Muharram festival. This Court, by way of a common order, dismissed W.P.No.15440 of 2026 and disposed of W.P.No.13245 of 2026 upholding the proceedings of the Chief Executive Officer dated 09.06.2026 and thereby permitting the petitioner to conduct the procession as mentioned in the said proceedings. Instantly this Court also taken due note of the orders passed by the Division Bench in W.A.No.752 of 2025 wherein the Division Bench has permitted the

petitioner to conduct Muharram celebration for the period from 25.06.2025 to 09.07.2025. Having noticed that there is no change of circumstances pursuant to the passing of orders by the Division Bench, this Court passed orders dated 18.06.2026 referred *supra* and disposed of the writ petitions.

15. It is brought to the notice of this Court by the learned Government Pleader that the unofficial respondent No.8 filed another writ petition *vide* W.P.No.15742 of 2026 and a Coordinate bench of this Court, on 18.06.2026, granted interim orders directing the respondent-police not to interfere with respect to subject property without any legal cause. The said interim orders have been placed on record and draw the attention of this Court to the same.

16. The said orders passed by the Co-Ordinate Bench of this court in W.P.No.15742 of 2026 dated 18.06.2026 reads as follows:

“1. Heard learned counsel for the petitioner.

2. Learned Assistant Government Pleader takes notice on behalf of respondent Nos.1 to 4 and sought time for getting instructions.

3. Issue notice to respondent No.5.

4. Learned counsel for the petitioner is permitted to take out personal notice on respondent No.5 through speed post with acknowledgment due and file proof of service in the Registry.

5. Learned counsel for the petitioner submits that the unofficial respondent No.5 filed OS No.883 of 2016 on the file of the II Additional Junior Civil Judge, Vijayawada arraying the petitioner

herein as defendant No.3 therein. In the said Suit, IA No. 546 of 2018 filed seeking temporary injunction was dismissed by the trial Court. Thereafter, the main suit itself was dismissed by the trial Court on 01.08.2022.

6. Learned counsel for the petitioner further submits that despite the same, the unofficial respondent No.5, at the instance of respondent police officials is interfering with the day to day activities of the petitioner herein. As such, the present Writ Petition was instituted.

7. As seen from the record, apparently, the Civil Suit instituted by the unofficial respondent No.5 was dismissed on 01.08.2022.

8. Having regard to the facts and circumstances of the case, the respondent police are directed not to interfere with the petitioner's possession with respect to the subject property, without any legal cause.

9. List after eight (08) weeks."

17. As could be seen from the above order, while passing said orders neither parties nor the learned Standing Counsel brought to the notice of the Court about the order dated 09.06.2026 passed by the Chief Executive Officer permitting the petitioner to conduct Muharram celebrations. If such proceedings are brought to the notice of the Court, the Court would not have passed the order. The contention of the learned Standing Counsel is that, Waqf Board is not a party respondent to the said *lis*.

18. No reasons are coming forward as to why the petitioner in the said writ petition has not made Waqf Board as party respondent in the said *lis*. However, in view of the facts and circumstances stated *supra*, when this Court has permitted the petitioner to conduct Muharram in tune of the

proceedings of the Chief Executive Officer dated 09.06.2026, it is needless to observe that the police has to give certain protection as mentioned in the said proceedings. With regard to other Civil disputes are concerned, Police cannot interfere at all as observed by the Co-Ordinate Bench of this Court referred *supra*. In view of the above submissions, this Court is not inclined to go into the other aspects of the matter which are raised before this Court and consider this writ petition.

19. In view of the reasons stated *supra*, the Writ Petition is ***disposed of*** directing the police authorities to give protection as mentioned in the proceedings dated 09.06.2026 for conducting Muharram Procession for the period mentioned in the said proceedings. There shall be no order as to costs.

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

JUSTICE RAVI CHEEMALAPATI

Date: 23rd June, 2026

Note: Issue C.C. by 24.06.2026

B/o

RKS

Whether the order is:

Speaking		Reasoned	
Reportable		Non-reportable	