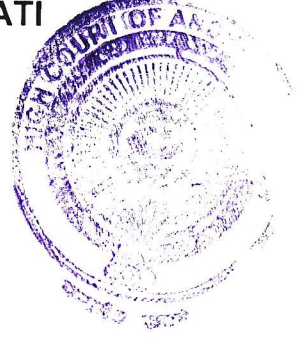


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE



:PRESENT:

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

IA No. 1 OF 2025

IN

WP NO: 17016 OF 2025

Between:

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(s)

(Petitioner in WP 17016 OF 2025

on the file of High Court)

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 and 5th Floor, Imdad Ghar, Opp. K.R. Market, Vijayawada, Krishna District, A.P.
3. The Chief Executive Officer, A.P. State Wakf Board, 4th and 5th Floor, Imdad Ghar, Opp. K.R. Market, Vijayawada, Krishna District, A.P.
4. The Inspector Auditor Waqfs, Sri Satya Sai District.

...Respondent(s)

(Respondents in-do-)

Counsel for the Petitioner :SRI MASALEGAR HIDAYATHULLA

Counsel for the Respondent No.1:GP FOR MINORITIES WELFARE

Counsel for the Respondent Nos.2 to 4: SRI KHAJA BASHA, Standing Counsel

Petition under Section 151 of CPC is filed 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 proceedings vide F.No.B3/61/ATP/2003 dated 25.06.2025 issued by the 3rd Respondent, Pending disposal of WP No. 17016 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).

ORDER:

Impugning the proceedings issued by the 3rd respondent vide F.No.B3/61/ATP/2003 dated 25.06.2025 authorizing the Inspector Auditor, Sri Satya Sai District to conduct elections for constitution of Managing Committee to the Wakf institutions namely Hazrath Mastan Vali Dargah, Jamiya Masjid, Choti Masjid (Jumma Masjid), Idgah & Burial ground situated at Kothacheruvu village and Mandal, Sri Satya Sai District, A.P, the above writ petition has been filed.

Learned counsel for the petitioner would submit that the Chair person, APSWB has no authority to appoint Inspector Auditor without resolution passed by the Board. Learned counsel would further contend that the delegation of power to Chair Person is not in consonance with Section 27 of the Waqf Act, 1995.

Learned standing counsel produced Gazette Notification vide F.No.17/APSWB/Board/2024, dated 09.01.2025 regarding delegation of

power to the Chairperson and the Chief Executive Officer of AP State Waqf Board, Vijayawada.

Clause 13 of the resolution reads as follows:

“13. Approvals of matters considering significance, accidental / urgency, time bound Court orders, Govt. directions, etc. subject to the ratification of the Board.”

Even going by Clause 13, the ratification of the Board is mandatory.

In the case at hand, without Board resolution or the ratification from the Board, learned Chairperson appointed Inspector Auditor, Waqf Board, Sri Satya Sai District to conduct elections.

Prima facie, the proceedings impugned are in violation of Regulation 10 of Andhra Pradesh Waqf Managing Committee (Constitution, functions and Duties) Regulations, 2009.

Given the facts and circumstances of the case, the proceeding impugned vide F.No.B3/61/ATP/2003 dated 25.06.2025 are hereby suspended.

However, this order will not preclude the respondents' authorities to adhere to the procedure, regarding conducting the elections to the institutions, referred to supra.

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For

To,

1. The Principal Secretary to Minority Welfare Department, State of Andhra Pradesh, A.P. Secretariat Buildings, Velagapudi, Amaravathi, Guntur District. (by Special Messenger)

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 Chief Executive Officer, A.P. State Wakf Board, 4th and 5th Floor, Imdad Ghar, Opp. K.R. Market, Vijayawada, Krishna District, A.P.
4. The Inspector Auditor Waqfs, Sri Satya Sai District. **(Addressees 2 to 4 By RPAD)**
5. One CC to SRI. MASALEGAR HIDAYATHULLA, Advocate [OPUC]
6. Two CCs to GP FOR MINORTIES WELFARE, High Court of Andhra Pradesh. [OUT]
7. One CC to SRI KHAJA BASHA, Standing Counsel [OPUC]
8. **One spare copy**

PSR

HIGH COURT

SRS,J

DATED:11/07/2025

NOTE: LIST AFTER FOUR (4) WEEKS.

ORDER

IA No. 1 OF 2025
IN
WP NO: 17016 OF 2025

INTERIM SUSPENSION

