



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

[3329]

WEDNESDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 27328/2025

Between:

1. THE MUSLIM MINORITY TECHNOLOGY, THE MUSLIM MINORITY TECHNOLOGY AND TECHNICAL WELFARE SOCIETY, (REG. NO. 240/2024) REP., BY ITS PRESIDENT MOHOMMED ISMAIL, S/O MOHAMMED KHAJA HUSSAIN, D. NO. 1/164, SUNKESULA, KOTHAKOTA, KURNOOL, ANDHRA PRADESH

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY, MINORITY WELFARE DEPARTMENT, SECRATERIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

2. THE A P STATE WAQF BOARD, REP. BY ITS CHIEF EXECUTIVE OFFICER, 4TH FLOOR, IMDADGHAR COMPLEX, KALESWARA RAO MARKET, VIJAYAWADA NTR DISTRICT 520001.

3. THE INSPECTOR AUDITOR WAQF, KURNOOL AREA AND DISTRICT

...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 an appropriate Writ, order or direction, of Writ of Mandamus, declaring the inaction of the 2nd more in the nature Respondent in not considering and passing appropriate order on the applications 01/07/2025 of the petitioner pursuant to the reports dated dated 03/10/2024

and 05/11/2024, 28/11/2024 and 08/05/2025 of the 3rd Respondent in favour of the extent of Ac.17.00 in Sy.No. petitioner to grant lease of the Waqf lands to an 151/1 situated in Munagalapadu Village, Kurnool District as arbitrary, illegal and 14 of the Constitution of India, Principles of Natural Justice and violation of Article consequently to direct the 2 Respondent to consider and pass

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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 Pleased to direct to the 2nd Respondent to consider and pass appropriate orders on my applications dated 03/10/2024 and 01/07/2025 further taking into consideration the reports of the 3rd Respondent submitted in favour of the Petitioner's society, pending disposal of the above Writ petition in the interest of justice and pass.

Counsel for the Petitioner:

1. SHAFATH AHMED KHAN

Counsel for the Respondent(S):

1. GP FOR SOCIAL WELFARE

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**WRIT PETITION NO: 27328/2025****ORDER:**

This writ petition is filed under Article 226 of the Constitution of the India seeking the following reliefs:-

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 2nd respondent in not considering and passing appropriate order on the applications dated 03.10.2024 and 01.07.2025 of the petitioner pursuant to the reports dated 05.11.2024, 28.11.2024 & 08.05.2025 of the 3rd respondent in favour of the petitioner to grant lease of the Waqf lands to an extent of Ac.17.00 cents in Sy.No.151/1 situated in Munagalapadu Village, Kurnool District as arbitrary, illegal and violation of Article 14 of the Constitution of India, principles of natural justice and consequently to direct the 2nd respondent to consider and pass appropriate orders on the applications dated 03.10.2024 and 01.07.2025 of the petitioner pursuant to the reports dated 05.11.2024, 28.11.2024 & 08.05.2025 of the 3rd respondent in favour of the petitioner to grant lease of the Waqf lands to an extent of Ac.17.00 cents in Sy.No.151/1 situated in Munagalapadu Village, Kurnool District in the interest of justice and pass such other order.”

2. Heard learned counsel for the petitioner and the learned Standing Counsel for respondent Nos.2 and 3.

3. Learned counsel for the petitioner submits that the petitioner is a society registered under the provisions of the Societies Registration Act, 2001 with an object for welfare of the Muslim minority students to impart education. For which, the petitioner society submitted applications/representations on 03.10.2024 and 01.07.2025 for allotment of vacant land admeasuring to an extent of

Ac.17.00 cents in Sy.No.151/1, Munagalapadu Village, Kurnool District, on the lease basis as contemplated under Rules 4 and 5 of the Waqf Properties Lease Rules, 2014.

4. Learned counsel for the petitioner further submits that as per Rules 4 and 5 of Rules, 2014, the petitioner is entitled to be considered for granting lease in its favour. Even though, the applications/representations were received by the 2nd respondent, but so far neither considered the applications/representations nor granted lease in compliance of Rules 4 and 5 of Rules, 2014. Hence, the Writ Petition.

5. On the other hand, learned Standing Counsel for respondent Nos.2 and 3 based upon the instructions submits that earlier the subject land was leased out to one third party and that lease period is already completed. After completion of the lease period, the 2nd respondent by following due procedure invited the applications by way of issuing public notice and conducting auction between the interested persons for leasing the subject land. He further submits that the 2nd respondent shall follow due procedure as contemplated under Rules 4 and 5 of Rules, 2014. He also admitted that the application/representation of the petitioner dated 01.07.2025 was received and the same was placed before the 2nd respondent-Board for its consideration.

6. Considering the submissions made by both the learned counsel and on perusal of the material placed on record as well as Rules 4 and 5 of the Waqf Properties Lease Rules, 2014, the application/representation of the petitioner dated 01.07.2025 should be considered by respondent No.2 with reference to the provisions of the Waqf Act, 1995 r/w Rules 4 and 5 of the Waqf Properties Lease Rules, 2014, within a period of two(2)months from the date of receipt of copy of this Order.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

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

08.10.2025
TPS

VENKATESWARLU NIMMAGADDA, J

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