

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

THURSDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE



PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 21942 OF 2023

Between:

1. S Saleem Basha, S/o S Syed Basha Aged about 41 years, R/o OC Colony, Nagasamudram Village, Occ. President for Managing Committee of Jamia Masjid, Nagasamudram Village, Guntakal Mandal, Anantapur District.
2. N. Ali Huseen, S/o N. Khadar Sab Aged about 29 years, R/o 3-49, Nalabandh Veedhi, Penukonda, Occ. Mutawalli Panch Bibi Dargah, Penukonda Village and Mandal, Sri Satya Sai District.
3. Shaik Hameed Basha, S/o Late. Shaik Gafoor Saheb Aged about 52 years, R/o 8/60, Kurnool Road, Bndimoutu, Gooty Rural, Anantapur District - 515402 Occ. Mutawalli of Dawood Nagar Mosque Sunni YT Cheruvu Village, Guntakal Mandal, Anantapur District.
4. Mulla Gouse Modhin, S/o M Rasool Sab Aged about 72 years, R/o 1-82, Uruchintala Village, Tadipatri Mandal, Anantapur District - 515415 Occ. Mutawalli of Ashurkhana at Urichintala Village, Tadipatri Mandal, Anantapur District.

...PETITIONER(S)

AND

1. The State of Andhra Pradesh, Rep by its Secretary to Government- Cum Election Authority for Andhra Pradesh State Waqf Board Minorities Welfare Department, Secretariat Buildings, Velagapudi, Guntur District. email. md.imtiaz(agov.in, prlsecy_mw@ap.gov.in
2. The Deputy Secretary to Government, Minorities Welfare Department, First Floor, Building No-4, Secretariat Buildings, Velagapudi, Guntur District.
3. The Commissioner, Minorities Welfare Department, Tadepalli, Guntur District.
4. The Andhra Pradesh State Waqf Board, Rep by its Chief Executive Officer, 4th Floor, Imdadghar, Building, Kaleswara Rao Market, Tarapet, Vijayawada, Andhra Pradesh 520003.
5. The Inspector Auditor for Waqf, Ananthapuram District at Collector Compound, Ananthapuram.
6. The District Minority Welfare Officer (DMWO), Minorities Welfare Department, Ananthapuram District at Collector Compound, Ananthapuram.
7. The Special Officer, The Andhra Pradesh State Waqf Board, 4th Floor, Imdadghar, Building, Kaleswara Rao Market, Tarapet, Vijayawada, Andhra Pradesh 520003.

...RESPONDENTS

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 or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents in not considering petitioners objections dt. 16.08.2023, 17.08.2023 and 18.08.2023 submitted to respondents through email in pursuant to voters list Memo No. 1965171/IDM-1/2023 dt. 10-08-2023 despite petitioners duly complying all conditions pursuant to 4th Respondent Memo No. 02/APSWB/DCB/2023 dt. 25-07-2023 by paying waqf fund for preceding year (i.e., 2022-23) and taking proactive steps to release final voters list for 4th respondent board without considering petitioners objections is illegal, irregular, irrational in violation of principles of natural justice, further in contrary to Waqf Act, 1995 rules framed there under, Articles 14, 19 and 21 of the Constitution of India and consequently and direct the respondents to consider petitioners' objections dt. 16.08.2023, 17.08.2023 and 18.08.2023.

IA NO: 1 OF 2023

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 respondents to consider petitioners' objections dt. 16.08.2023, 17.08.2023 and 18.08.2023 submitted to respondents through email in pursuant to Memo No. 1965171/IDM-1/2023 dt. 10-08-2023.

Counsel for the Petitioners: SRI. V.N.V.SURYA DATTU

Counsel for the Respondent Nos. 1 to 3: GP FOR SOCIAL WELFARE

**Counsel for the Respondent Nos. 4 to 7: SRI M GAYASUDDIN, SC FOR
APSWB**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.21942 OF 2023

ORDER:

The present Writ Petition is filed by the petitioners under Article 226 of the Constitution of India, seeking the following relief:

"....to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents in not considering petitioners objections dt.16.08.2023, 17.08.2023 and 18.08.2023 submitted to respondents through email in pursuant to voters list Memo No.1965171/IDM-1/2023 dt.10.08.2023 despite petitioners duly complying all conditions pursuant to 4th Respondent Memo No.02/APSWB/DCB/2023 dt.25.07.2023 by paying waqf fund for preceding year (i.e., 2022-23) and taking proactive steps to release final voters list for 4th respondent board without considering petitioners objections is illegal, irregular, irrational in violation of principles of natural justice further in contrary to Waqf Act 1995 rules framed there under Articles 14, 19 and 21 of the Constitution of India and consequently and direct the respondents to consider petitioners objections dt.16.08.2023, 17.08.2023 and 18.08.2023 and pass order or orders as deem fit in proper circumstances of the case....."

2. The short grievance of the petitioners in the present Writ Petition is that, the respondent authorities are not considering the petitioners objections dated 16.08.2023, 17.08.2023 and 18.08.2023, given to the 1st respondent through email in pursuant to voters list Memo No.1965171/IDM-1/2023, dated 10.08.2023, despite the petitioners complying with all the conditions pursuant to

the 4th respondent Memo No.02/APSWB/DCB/2023 dated 25.07.2023 by paying waqf fund for the preceding year (i.e., 2022-23).

3. Heard Sri V.N.V. Surya Dattu, learned counsel for the petitioner and Sri Gayasuddin, learned Standing Counsel for Waqf Board.

4. When the matter is taken up for consideration today, the learned counsel for the petitioners in elaboration to what has been stated in the affidavit contended that, the petitioners submitted their objections to the voter list dated 25.07.2023, but so far the 1st respondent have not acted upon the same and it would suffice for time being if a direction is given to the 1st respondent to consider and dispose of the objections, in accordance with law.

5. To the said submission, Sri Gayasuddin, learned Standing Counsel, submitted that, such direction can be given to the 1st respondent and the Writ Petition may be disposed of accordingly.

6. As both the learned counsel consented for such an order, there is no purpose in keeping the Writ Petition pending, as such, this Court is inclined to dispose of the Writ Petition, without going into the merits of the case at the admission stage, by passing the following order:

"The 1st respondent herein is hereby directed to consider and pass appropriate orders on the petitioners objections dated 16.08.2023, 17.08.2023 and 18.08.2023, by providing an opportunity of personal hearing to the petitioners and pass a reasoned order and communicate the same to the petitioners within a period of two (02) weeks from the date of receipt of this order".

7. Accordingly, this Writ Petition is **disposed of**.

There shall be no orders as to costs.

Miscellaneous applications, pending if any, shall stand closed.

Sd/- N.NAGAMMA
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Secretary to Government- Cum Election Authority for Andhra Pradesh State Waqf Board, State of Andhra Pradesh, Minorities Welfare Department, Secretariat Buildings, Velagapudi, Guntur District. email. md.imtiaz(agov.in, prlsecy_mw@ap.gov.in
2. The Deputy Secretary to Government, Minorities Welfare Department, First Floor, Building No-4, Secretariat Buildings, Velagapudi, Guntur District.
3. The Commissioner, Minorities Welfare Department, Tadepalli, Guntur District.
4. The Chief Executive Officer, Andhra Pradesh State Waqf Board, 4th Floor, Imdadghar, Building, Kaleswara Rao Market, Tarapet, Vijayawada, Andhra Pradesh 520003.
5. The Inspector Auditor for Waqf, Ananthapuram District at Collector Compound, Ananthapuram.
6. The District Minority Welfare Officer (DMWO), Minorities Welfare Department, Ananthapuram District at Collector Compound, Ananthapuram.
7. The Special Officer, The Andhra Pradesh State Waqf Board, 4th Floor, Imdadghar, Building, Kaleswara Rao Market, Tarapet, Vijayawada, Andhra Pradesh 520003.
8. One CC to Sri. V.N.V.Surya Dattu, Advocate [OPUC]
9. Two CCs to GP for Social Welfare, High Court of Andhra Pradesh. [OUT]
10. One CC to Sri M.Gayasuddin, SC for APSWB [OPUC]
11. Two CD Copies.

MSR
gl

M.M. Bar

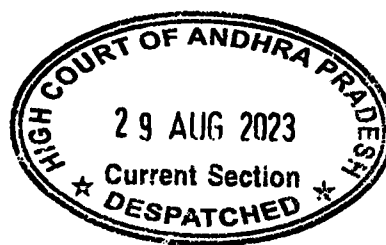
HIGH COURT

DATED:24/08/2023

ORDER

WP.No.21942 of 2023

(13)
M.M.Ban
28/8/23



DISPOSING THE WP WITHOUT COSTS