

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND NINE

: PRESENT:

THE HON'BLE SRI JUSTICE V.ESWARAIAH

AND

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION NOs: 11349 of 1996 & WP NO. 11728 OF 1996

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WP. NO. 11349 OF 1996

Between:

The Association of A.P. Sajjada Nasheens, Mutawallies & Khidmat Guzaram of Wakfs, rep. by its President Soofi Shah Mohd. Sabir Ali, S/o. Hazrat Soofi Yasin Ali, R/o. H. No. 21-2-678, Urdu Shareef, Behind Pattargatti, Hyderabad-2.

..... Petitioner

AND

1. The Union of India, rep. by its Secretary, (Law) Department, Sastry Bhavan, New Delhi.
2. The Government of Andhra Pradesh, rep. by its Secretary, Minority Welfare & Wafk Department, Secretariat, Buildings, Hyderabad.

3. The A.P State Wakf Board, rep. by its Secretary, Razzack Manzil, Public Garden Road, Hyderabad.
4. S.A. Majeed, Deputy Secretary to Government, Law Department, R/o Room.No.326, J-Blook, III Floor, A.P. Secretariat, Hyderabad.

.....Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of "Mandamus" declaring the provisions of the Wakf Act, 1995 (Central Act No. 43/1995) more particularly the Provisions of Section. 14 of the Wakf Act as unconstitutional, arbitrary and violative of the Articles 14, 25 and 26 of the Constitution of India;

W.P. NO : 11728 of 1996

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Between:

All India Shia Organisation, a body Registered under the A.P. (Telangana Area) Societies Registration Act, 1350 Falsi, and rep. by its Joint Secretary, Mirza Mehdi Ali Baig, S/o. Mirza Mustafa Ali Baig, R/o. 12-1-739, Asifnagar, Hyderabad and having its office at 17-3-270/SRT, Yakutpura, Hyderabad.

..... Petitioner

AND

1. The Union of India, rep. by its Secretary (Law) Department, Sastry Bhavan, New Delhi.
2. The Government of Andhra Pradesh, rep. by its Secretary, Minority Welfare & Wak Department, Secretariat Buildings, Hyderabad.
3. The A.P State Walk Board, rep. by its Secretary, Razzack Manzil, Public Garden Road, Hyderabad
4. S.A. Majeed, Deputy Secretary to Government, Law Department, R/o. Room NO. 326, J-Block, III Floor, A.P. Secretariat, Hyderabad.

(R4 is dismissed for default, vide Court order dated: 21-06-2001)

.....Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of "Mandamus" declaring the Provisions of the Wakf Act, 1995 (Central Act.No.43/1995) more particularly the Provisions of Section.14 of the Walk Act as

unconstitutional, arbitrary and violative of the Articles 14, 25 and 26 of the Constitution of India;

These petitions coming on for hearing, upon perusing the petitions and the affidavits filed herein and upon hearing the arguments of Sri K. Pratap Reddy, Senior Counsel appearing for Sri P. Vijaya Bhaskar Reddy, Advocate for the Petitioners in both the WP Nos. 11349 & 11728 of 1996 and of Sri A. Rajasekhar Reddy, Assistant Solicitor General of India for the Respondent No. 1 and of Sri A. Satya Prasad, Special Government Pleader for Respondent No. 2 and of Sri A.M. Rafi, Advocate for the Respondent No. 3, in both the Writ Petitions, the Court made the following

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Attorney General of India, Supreme Court of India, New Delhi.(BY RPAD with copies of petitions and all the material papers with a copy of Notice)
2. Two CCs to the Advocate General, High Court of A.P., Hyderabad (BY SPECIAL MESSENGER)
3. Two CCs to Sri A. Satya Prasad, Special Government Pleader, High Court of A.P., Hyderabad. (OUT)
4. Two CCs to the G.P. for Social Welfare, High Court of A.P., Hyderabad (OUT)
5. One CC to Sri A.M. Rafi, Advocate (OPUC)
6. Sri A. Rajasekhar Reddy, Assistant Solicitor General of India, High Court of A.P., Hyderabad (BY SPECIAL MESSENGER)
7. One spare copy.

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HIGH COURT

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Date of drafting: 07-02-2009

VEJ

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VVAJ

DATE: 03-02-2009

NOTE: POST ON 16-03-2009

ORDER

WP Nos. 11349 & 11728 of 1996

DIRECTION

From Date: 07-02-2009

**U. Durga Prasad Rao,
Registrar (Judicial),
High Court of A.P.,
Hyderabad**

To

The Attorney General of India,
Supreme Court of India,
New Delhi.

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Sir,

Ref: AP High Court – Order of the Hon'ble Court in Writ
Petition Nos. 11349 & 11728 of 1996 dated: **03-02-**

2009 – Issue of Notice– Reg.

I wish to bring to your notice that the Hon'ble Court in the reference cited directed the Registry to issue Notice to the learned Attorney General of India to hear this matter and for assisting the Court.

I, therefore, request you to appear before the Hon'ble Court on 16-03-2009 and assist the Hon'ble Court in the above matter by making your submissions on the question that has arisen for consideration. Copy of the order and relevant material papers are enclosed herewith.

Yours faithfully

Registrar (Judicial)

Encl.

1. Order of the Hon'ble High Court dated: 03-02-2009 passed in Writ Petition Nos. 11349 & 11728 of 1996.
2. Copies of the Writ Petitions and affidavits and all the material papers