

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.16203 of 2007

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Date: 31.07.2007

Between:

Mohd Waheeduddin.

.. PETITIONER

AND

The Chief Executive Officer and another.

..RESPONDENTS

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.16203 of 2007

ORDER:

The petitioner states that he has been appointed as a Muthawalli for a Wakf, by name Masjid Qutub Shahi Sama Khan and Grave Yard situated at Shamshabad Village. When he faced interference from the second respondent, he filed O.S.No.24 of 2007 before the A.P.Wakf Tribunal for the relief of perpetual injunction and obtained an order of temporary injunction on 12.11.2007 in I.A.No.185 of 2007.

The petitioner states that the second respondent submitted a complaint against him in the year 2001 and

had also filed W.P.No.14514 of 2005. The writ petition was disposed of, with a direction to the Chief Executive Officer, first respondent herein, to take necessary action under Section 71 of the Wakf Act.

The petitioner complains that without following the procedure under Section 71 of the Act and other provision of law, the first respondent is visiting the area, making oral enquiries and contemplating to dislodge the petitioner, in violation of the relevant provisions of law. He seeks a declaration that the action of the first respondent is illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the first respondent.

The Wakf Act and the Rules made thereunder prescribe a detailed procedure, in the matter of conducting enquiry into the mismanagement of a Wakf by a Muthawalli or a Committee. As of now, the petitioner has not been served with any notice. The petitioner apprehends action against him, in view of the alleged visits made by the first respondent.

Being the Head of the organization, the first respondent is competent to visit any Wakf and receive

necessary information. The petitioner cannot have any objection or grievance about such activities. He can be said to have suffered any detriment, if only any orders adverse to his interests are passed. Therefore, the writ petition is not only pre-mature but also without any cause of action.

Hence, the writ petition is dismissed, leaving it open to the petitioner to work out his remedies, as and when the cause of action arises. There shall be no order as to costs.

JSU

31.07.2007