



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

CHIEF EXECUTIVE OFFICER,
A. P. STATE WAQF BOARD,
4th FLOOR, IMDADGHAR OPP: KALESWARAO MARKET, VIJAYAWADA.

F.No.11 / M / KNL / 2016.

Date: 27-10-2022.

KURNOOL DISTRICT - ADONI (MANDAL) - DARGAH HZT SYED SHAH GHOUSE MOHIUDDIN KHADRI ALIAS SYED SHAH BUZRUG HUSSAINI KHADRI SITUATED AT S.KONDAPURAMU (VILLAGE) - Sri SYED SHAH FAYAZ KHADRI, S/o. SYED SHAH AHMED KHADRI APPOINTED AS MUTAWALLI U/Sec.63 OF THE WAQF ACT, 1995 FOR A PERIOD OF TWO (2) YEARS.

Read : 1.This office Muntakab issued in F.No.05/KNL/Reg/2013/Z-IV, Dated: 23-06-2016

2.O.A No.13/2017 filed before Hon'ble A.P.Waqf Tribunal, Hyderabad by Sri. Sk.Akthat Basha, Adoni of Kurnool District.

3.This office Proceedings dated.12-05-2017

4.O.A No.14/2017 filed before the Hon'ble A.P.Waqf Tribunal, Hyd by Sri. Sk Akthat Basha, Adoni of Kurnool District.

5.Representation of Sri Syed Shah Fayaz Khadri, dated.22-01-2019.

6.This office Memo dated.06-02-2019.

7.Report of the I.A.Waqf, Kurnool District dated.14-02-2019.

8.CRP No.359/2019 against OA No.13/2017 filed before Hon'ble High Court of A.P by Sri Shaik Akthat Basha, Adoni.

9. U.O. Note dated.03-05-2019 received from the legal section along with Copy of affidavit filed in WP No.6113/2019.

- 10.Representation of Sri Syed Fayaz Khadri, Adoni dated.17-12-2019, 12-12-2020 & 08-09-2021.
- 11.This office Memo of even No. dated.27-10-2021.
- 12.Report of the I.A. Waqfs, Adoni Division of Kurnool District, dated: 10-11-2021.
- 13.Board's Resolution No.454 of 2022, dated:11-10-2022.
- 14.Orders of the Hon'ble Chairperson, APSWB, dated.14-10-2022.

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ORDER:

The Waqf institution namely Dargah Hzt Syed Shah Ghouse Mohiuddin Khadri @ Syed Shah Buzrug Hussaini Khadri is existing in Sy No.26 to an extent of Ac.0.46 cents, Kapati Road of S.Kondapuramu Village, Adoni Mandal, Kurnool District is registered Waqf Institution in the ref.1st read above under section 40 & 41 of Waqf Act, 1995 under the Superintendent of A.P. State Waqf Board. The Rule of Succession to the office of Mutawalli is under the Provisions of the Waqf Act, 1995.

Aggrieved, by its Muntakhab vide file No.05/KNL/REG/2013/Z-IV, dated. 23-06-2016, one Sri Shaik Akthar Basha S/o Shaik Mahaboob Saheb, Adoni Town, Kurnool District has filed Original Application No.13/2017 before the Hon'ble A.P. State Waqf Tribunal, Hyderabad against Sri Syed Fayaz Khadri and A.P. State Waqf Board and the Hon'ble Court has dismissed the said O.A. on 18-12-2018 the respondent No.2 Waqf Board has followed the Procedure as contemplated under section .40 & 41 of the Waqf Act,1995 before issuing the impugned Muntakab and since the impugned muntakab is a valid one, the applicant cannot challenge the same by filing this Original Application but he can challenge the same by filing a Suit.

After completion of process, this office has appointed to Sri. Syed Shah Fayaz Khadri S/o.Syed Shah Ahmed Khadri as Mutawalli in the ref. 3rd read above, U/sec. 63 of Waqf Act,1995 for a period of (2) two years in respect of the subject institution and the period of Mutawalli was expired11-02-2019.

Aggrieved by its above orders, one Sri Shaik Akthar Basha S/o. Shaik Mahaboob Saheb, Adoni, Kurnool District has filed O.A. No.14/2017 before the Hon'ble A.P.State Waqf Tribunal, Hyderabad against Sri Syed Fayaz Khadri and A.P.State Waqf Board and the Hon'ble A.P.Waqf Tribunal has dismissed the said O.A. on 18-12-2018 that no irregularity or illegality in the impugned Proceedings of the 2nd respondent Waqf Board appointing the 1st respondent as Mutawalli of the subject Waqf institution which are under challenge herein and this Original Application is devoid of merits and is liable to be dismissed.

A representation has been received from Sri Syed Shah Fayaz Khadri, Mutawalli vide reference 5th read above with a request to appoint him as permanent Mutawalli to the subject Waqf institution. As a part for further course of action this office issued Memo to Inspector Auditor Waqf, Kurnool District for calling detailed report in the subject matter in the ref.6th read above. Accordingly, the I.A. Waqf, Kurnool District has submitted his report dated.14-02-2019 in the ref.7th read above, wherein he mentioned the above said facts of the case and also Sri Shaik Akthar Basha, Adoni Kurnool Dist filed claim petition for his appoint as Mutawalli of the said Dargah. The A.P. State Waqf Board has rejected his claim vide letter dated.17-06-2016. He has filed injunction suit against the applicant vide OS No.134/2016 on the file of the Principal Junior Civil Judge, Adoni & A.S. No.9/2017 on the file of II -Additional District Judge, Kurnool at Adoni and the same was dismissed. The Inspector Auditor Waqfs, Kurnool District requested to take necessary action for appointment of Sri Syed Shah Fayaz Khadri S/o Syed Shah Ahmed Khadri as Mutawalli to the subject institution.

Aggrieved by the orders passed by the Hon'ble A.P.Waqf Tribunal, Hyderabad dated.18-12-2018 in OA No.13/2017, Sri.Shaik Akthar Basha, S/o Shaik Mahaboob Saheb, Adoni has approached to Hon'ble High Court by filling CRP No.359/2019 and said case is pending before the Court.

In the ref. 9th read above, Sri Shaik Akthar Basha S/o Shaik Mahaboob Saheb, Adoni, of Kurnool District has filed WP No.6113/2019 against AP State Waqf Board and (3) others the declaring action of the respondent No.1 to 3 (i.e. Prl. Secretary to Govt, M.W, Dept, and AP State Waqf Board) is not considering the objections dated. 19-04-2019 submitted by the petitioner for the renewal of the 4th respondent (i.e Syed Faiz Khadri) as Mutawalli in respect of Dargah Hzt Syed Shah Gouse Moinuddin Khadri @ Syed Shah Buzrug Hussaini Khadri (Gorrela Tata) situated at S.Kondapuramu Village Adoni Mandal Kurnool District.

Sri Syed Fayaz Khadri, Mutawalli has filed representation dated.17-12-2019, 12-12-2020 & 08-09-2021 in the ref.10th read above and requested to issue orders U/sec.63 of Waqf Act, 1995 for a period of (5) five years. Basing on the said representations this office has called the detailed report from the I.A.Waqfs, Adoni Division, Kurnool District vide reference 11th read above along with the present status of the institution and the details of Court cases.

In the reference 12th read above, the I.A.Waqfs, Adoni Division, Kurnool Dist has submitted his report that applicant is managing the subject institution peacefully to

the Dargah and requested to renew the tenure of the applicant for better management.

The subject matter was placed before the Board and the Board has passed resolution No.454 of 2022, dated.11-10-2022 vide ref.13th read above to appoint Sri Syed Shah Fayaz Khadri, S/o. Syed Shah Ahmed Khadri as Mutawalli U/sec.63 of Waqf Act, 1995 for Dargah Hzt Syed Shah Ghouse Mohiuddin Khadri alias Syed Shah Buzrug Hussaini Khadri, S.Konapauram Village, Adoni Mandal, Kurnool District for a period of two (2) years subject to outcome of the final Judgement in CRP No.39/2019 and W.P. No. 6113 of 2019 of the Hon'ble High Court AP.

Accordingly, Sri Syed Shah Fayaz Khadri, S/o. Syed Shah Ahmed Khadri is hereby appointed as Mutawalli to Dargah Hzt Syed Shah Ghouse Mohiuddin Khadri alias Syed Shah Buzrug Hussaini Khadri, S.Konapauram Village, Adoni Mandal, Kurnool District U/sec.63 of Waqf Act,1995 for a period of two (2) years for managing the affairs of the subject Waqf Institution by following Waqf Act,1995 and Waqf Rules subject to outcome of the final Judgement in CRP No.39/2019 and W.P. No. 6113 of 2019 of the Hon'ble High Court AP.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time they should submit the Accounts U/sec.46 of Waqf Act, 1995 and Budget U/sec.44 of Waqf Act, 1995 and pay Waqf fund duly following the provisions laid down U/sec.72 & 77 of Waqf Act, 1995 properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.
- f) He shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural lands. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.

- i) He will not entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable for penal action. The Mutawalli shall also noted that Sec.3(ee) defined encroacher, Sec. 52-A explain rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously.

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,
Chief Executive Officer (FAC),
A.P. State Waqf Board, Vijayawada.

To

Sri Syed Shah Fayaz Khadri,
S/o. Syed Shah Ahmed Khadri,
Mutawalli of Dargah Hzt Syed Shah Ghouse Mohiuddin Khadri alias Syed Shah Buzrug
Hussaini Khadri, S.Konapauram Village, Adoni Mandal, Kurnool District.

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