



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

W.No.51

AMARAVATI, FRIDAY, DECEMBER 23, 2022

G.2356

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

--X--

NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**CHIEF EXECUTIVE OFFICER,
A. P. STATE WAQF BOARD**

4th FLOOR, IMDADGHAR, OPP: KALESWARAO MARKET, VIJAYAWADA.

F.No.B3 / 07 / WG / 2005.

Date: 01-11-2022.

ELURU DISTRICT AND TOWN (ERSTWHILE WEST GODAVARI DISTRICT) -
DARGAH HZT. MIR FAIZULLAH BAIG SAHEB - Sri MOHAMMED ISHAQ
AHMED, S/o.Late MOHD. IQBAL AHMED RECOGNIZED AS MUTAWALLI
U/Sec.42 OF THE WAQF ACT, 1995.

- Read : 1. Board's Proceeding No.A1/WG/42/86-B3, Dated.18-07-1998.
2. Representation of Sri.Mohammed. Ishaq Ahmed, S/o.late Mohd. Iqbal
Ahmed, R/o. Eluru Town, dated.15-12-2020 &19-01-2021.
3. This office memo No. dated.22-04-2021 & 27-07-2021 & 30-07-2021.
4. Report of the I.A. Waqfs, West Godavari District, dated: 09.08.2021.
5. This office Notification No., dated.31-08-2021.
6. Report of the I.A Waqfs, West Godavari District, vide Lr.No.359/WG/
2010, dated.05-10-2022 along with paper notification Published in news
paper of Andhra Jyothi, West Godavari District, dated.16-09-221.
7. U.O.Note No.R3/02/DM/WG/2014, dated.26-10-2021 received from of
DM & Rent Section of APSWB.
8. Representation of Sri.Mohammed. Ishaq Ahmed, S/o.late Mohd. Iqbal
Ahmed, R/o. Eluru Town, dated. 25-03-2022, 02-06-2022 & 25-08-2022
9. Board's Resolution No.492 of 2022, dated:11-10-2022.
10. Orders of the Hon'ble Chairperson, APSWB, dated.14-10-2022.

** ** *

ORDER:

The Waqf institution namely Dargah known as Hzt. Mir Faizullah Baig Saheb situated at Eluru Town, West Godavari District is a notified Waqf institution and got published in AP Gazette No.16, Part-II, dated:19-04-1962 at Serial No.359 under the Towliath of Mohd. Mazharulla. The said institution total attached an extent of Ac.55.25 cts in Sy.No.400/3, 69/2, 69/7, 69/8, 69/10,1152,1154 & 1157 properties are situated at Kovvali and Jalapudi Villages of Dendadluru Mandal.

In the ref. 1st read above the Board has appointed to Sri.Mohd. Iqbal Ahmed, S/o. Mohd Ishaq as Mutawalli to the subject Waqf institution and its attached properties and the Mutawalli was expired on 10-11-2020.

In the ref.2nd read above, Sri. Mohammed. Ishaq Ahmed, S/o. late Mohd.Iqbal Ahmed, Eluru Town has submitted a representation to this office and informed that his father late Mohd. Iqbal Ahmed, S/o. Mohd Ishaq was Mutawalli of the subject Waqf institution due to ill health he was expired on 10-11-2020 and requested to recognize him as Mutawalli U/Sec. 42 of Waqf Act, 1955 to the subject Dargah in place of his father Late Mohd. Iqbal Ahmed and submitted Death Certificate and family member Certificate of late Mohd. Iqbal Ahmed, NOC from his family members. Accordingly, this office has instructed to Inspector Auditor Waqfs, West Godavari District vide ref.3rd read above to furnish detail report along with relevant documents in the subject matter.

In the ref.4th read above, the Inspector Auditor Waqfs, West Godavari District has submitted report that Sri. Mohammed. Ishaq Ahmed, S/o. late Mohd.Iqbal Ahmed is managing the affairs of the institution without remarks as NaibMutawalli vide proceedings No.B3/07/WG/2005/Z-V, dated.27-09-2013 and paying Waqf Fund to Board regularly and the applicant has submitted required documents and recommended the candidature of the applicant for recognition of Mutawalli.

As the further course of action, this office has issued paper notification for calling claims and objections if any for recognition of Sri. Mohammed. Ishaq Ahmed, S/o. late Mohd.Iqbal Ahmed as Mutawalli U/sec. 42 of Waqf Act, 1995 to the subject Waqf institution and its attached properties may file their claims and objection within a period of (15) days from the date of Publication of Notification with documentary evidence vide ref. 5th read above.

The Inspector Auditor Waqf, West Godavari District has submitted report vide ref.6th read above that the above said paper notification was published in Andhra Jyothi Telugu daily District edition of West Godavari on 16-09-2021 and there were no claims & objections received against the said notification.

In the ref.7th read above a U.O. Note has been received from DM & Rent Section of APSWB with a request to stop further process of Mutawalliship of Sri. Mohammed. Ishaq Ahmed, if any taken up in the subject matter till lease an amount of Rs.6,27,150/- is remitted in Board's treasury (or) in the institution account.

In the mean while the applicant Sri. Mohammed Ishaq Ahmed has filed W.P.No. 431 of 2022 before the Hon'ble High Court of AP against APSWB & others and the Hon'ble High Court has passed interim orders as follows:

" there shall be no coercive action against the petitioner pursuant to the impugned notice.F.No.R3/02/DM/WG/2014,dated.22-12-2021 issued by the 2nd respondent (i.e. APSWB). It is submitted by Sri.Md.Abdul Mateen Qureshi, learned Senior Counsel for the petitioner that the amount which the institution is receiving are being deposited in the account of the institution only".

In the ref.8th read above the applicant Sri. Mohammed Ishaq Ahmed has submitted a representation along with under taking affidavit voluntarily that he is ready to pay Waqf Fund @ 25% instead of 7% Waqf fund in the best interest of Waqf administration and get repairs to Dargah further open to separate Bank Account in the name of institution also withdrawing whatever Court cases filed by him with in a period of (15) days and also given undertaking agreed to pay 25% Waqf Fund on the lease amount of Rs.7,00,000/- which is collected by him. Further he is withdrawing earlier consent which he was given to pay the Waqf Fund @ 32% .

The subject matter was placed before the Board and the Board has passed resolution No.492 of 2022, dated.11-10-2022 in the ref.9th read above to recognize Sri. Mohammed Ishaq Ahmed, S/o.late Mohd. Iqbal Ahmed, U/sec.42 of Waqf Act, 1995 in place of demised father. Further it has been resolved to collect 25% of the income of the institution and its attached properties as Waqf Fund in accordance with undertaking given by the applicant Mutawalli Sri. Mohammed. Ishaq Ahmed.

Accordingly, Sri.Mohammed.Ishaq Ahmed, S/o.late Mohd. Iqbal Ahmed is hereby recognized as Mutawalli to Dargah Hzt. Mir Faizullah Baig Saheb , Eluru Town & District U/sec.42 of Waqf Act, 1995 for managing the affairs of the subject Waqf Institution by following Waqf Act,1995 and Waqf Rules with a condition to pay Waqf fund @ 25% of the income of the institution and its attached properties in accordance with undertaking given by Sri. Mohammed. Ishaq Ahmed dated:25-08-2022.

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.Mohammed.Ishaq Ahmed, S/o.late Mohd. Iqbal Ahmed,
Mutawalli of Dargah Hzt. Mir Faizullah Baig Saheb,
Eluru Town and District,

---X---