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RIGHT TO INFORMATION

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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, IMDADAGHAR, OPP: KALESWARAO MARKET, VIJAYAWADA.

F.No.04 / KNL / M / 2021. **Date: 15-02-2023.**

KURNOOL DISTRICT - SYED NOORUDDIN HUSSAINI DARGAH ALIAS NOOR KHADER DARGAH SITUATED OPP: JAMIA MASJID, KURNOOL CITY - Sri SYED KHALEEL BASHA, S/o.KHAJA PEER APPOINTED AS MUTAWALLI U/Sec.63 OF THE WAQF ACT, 1995 FOR A PERIOD OF ONE (1) YEAR.

Read/ : 1. Joint representation of Sri Syed Khaleel Basha and S Nooruddin, R/o. 54-3A, Fort, Kurnool, dated:02-12-2019 & 24-09-2020 .
2. This office memo of even No., dated:25-03-2021.
3. Report of I.A Waqfs, Kurnool District, vide Lr.No.01/KNL/DHSSNHK /2021, dated:19-05-2021.
4. No objection Affidavit of Sri.S.Nooruddin, S/o. S.Badruddin for withdrawing of his application for the of Mutawalli, dated:14-06-2021
5. This office paper notification of even No., dated:23-06-2021.
6. Report of the Inspector Auditor Waqfs, Kurnool District, vide Lr. No.01/KNL/DHSSNHK/2021, dated:28-07-2021 along with paper notification published in Andhra Jyothi Daily in District edition of Kurnool on 29-06-2021.
7. Board's Resolution No.669 of 2023, dated:03-02-2023.
8. Orders of the Hon'ble Chairperson, APSWB, dated: 08-02-2023.

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ORDER:

As per the Survey Commissioner of Waqf report dated:30-04-1957, at form No.203 of Kurnool the institution name mentioned as Syed Noorudin Hussain Dargah alias Noor Khader Dargah as Dargah situated at opp:Jamia Masjid, Kurnool City & District . The Rule of succession to the office of Mutawalli specified as Hereditary and the object of the Waqf is maintenance of Dargah & Celebration of annual Urs. But as per the Gazette notification the institution name mentioned as Mosque at Kurnool which is got published in A.P. Gazette No.43-A, Part-II, Dated:24-10-1963 at Serial No.3129 in page Nos. 30 & 31 under the Towliath of Abdul Aziz.

A Joint representation has been received from Sri. Syed Khaleel Basha, S/o.Khaja Peer and S.Nooruddin, S/o. S.Badruddin R/o. Kurnool City & District vide ref.1st read above, with a request to appoint them as Mutawalli and joint Mutawalli to the subject Waqf institution namely Dargah situated at opp:Jamia Masjid, Kurnool City & District. As a part for further course of action in the said matter this office has called detail repot along with relevant documents from the I.A Waqfs, Kurnool District vide ref. 2nd read above.

In the ref.3rd read above, the I.A. Waqfs, Kurnool District has submitted his report that the applicant of Sri. Syed Khaleel Basha, S/o.Khaja Peer is managing the entire affairs of the subject Waqf institution since 1990 and the applicant has submitted statements of devotees, Urs Brochers, photos and there is no electricity to Dargah, Urs is performing by the applicant and there are no income to the subject dargah, finally the I.A Waqfs, Kurnool District has requested to appoint Sri. Syed Khaleel Basha, S/o.Khaja Peer as Mutawalli to the subject Dargah U/sec. 63 of Waqf Act, 1995.

In the ref.4th read above, Sri. S.Nooruddin, S/o. S.Badruddin has submitted NOC duly notarized with advocate notary in favour of Sri.Syed Khaleel Basha and withdrawn his request for appointment of joint Mutawalli and requested to appoint Sri. Syed Khaleel Basha as Mutawalli to the subject Waqf institution.

Further this office has issued paper notification vide ref.5th read above, duly inviting of claims and objections if any for appointment of Sri.Syed Khaleel Basha, S/o. Syed Khaja Peer as Mutawalli U/sec.63 of Waqf Act, 1995 to the subject Waqf institution may file their claims and objection within a period of (15) days from the date of Publication of this Notification with documentary evidence.

The Inspector Auditor Waqf, Kurnool 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 Kurnool on 29-06-2021 and there were no claims & objections received against the said notification.

The above subject matter was placed before Board meeting and the Board has passed resolution No.669/2023, dated.03-02-2023 in the ref.7th read above, that to appoint Sri Syed Khaleel Basha, S/o. Khaja Peer as Mutawalli U/sec.63 of Waqf Act,1995 for a period of one (1) year for Syed Nooruddin Hussaini Dargah alias Noor Khader Dargah, Kurnool City.

Accordingly, Sri Syed Khaleel Basha, S/o. Khaja Peer is hereby appointed as Mutawalli U/sec.63 of Waqf Act, 1995 for Syed Nooruddin Hussaini Dargah alias Noor Khader Dargah, situated at opp: Jamia Masjid, Kurnool City & District for a period of one (1) year for managing the affairs of the subject Waqf Institution by following Waqf Act,1995 and Waqf Rules.

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,
A.P. State Waqf Board, Vijayawada.

To
Sri Syed Khaleel Basha, S/o. Khaja Peer,
Mutawalli of Syed Nooruddin Hussaini Dargah alias Noor Khader Dargah,
Opp: Jamia Masjid, Kurnool City & District.

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