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G.62

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.474/ KNL / M / 2021 / Z-IV.

Date: 15-02-2023.

KURNOOL TOWN & DISTRICT - ROZA MASJID - SRI SYED. SHABBIR AHMED S/o.
SYED ISMAIL PEER APPOINTED AS MUTAWALLI U/Sec.63 OF THE WAQF
ACT, 1995 FOR A PERIOD OF ONE (1) YEAR.

- Read :1. Application of Sri. Syed. Shabbir Ahmed, S/o. Syed Ismail Peer, R/o.
D.No.44/53, Roza street, Kurnool Town& District, Dated:10-01-2012.
2.Report of I.A Waqfs, Kurnool District, dated:07-02-2012.
3.Board's resolution No.134 of 2012, dated:25-02-2012.
4. Application of Sri. Syed. Shabbir Ahmed, S/o. Syed Ismail Peer, R/o.
D.No.44/53, Roza street, Kurnool Town& District, Dated:03-04-2018.
5. This Office memo even No., Dated: 13-04-2018.
6. Report of the Inspector Auditor Waqfs, Kurnool District, Dt.24-04-2018.
7. Objection petition of Sri. Amjad Ali Khan, R/o. Kurnool Town & District,
Dated:30-10-2018.
8. This office Proceedings of even No. dated.08-07-2019 & 09-06-2022
9. Representation of Sri. Syed. Shabbir Ahmed, S/o Syed Ismail Peer,
D/No.44/53 Roza street, Kurnool Town & District, Dated:03-04-2022.
10.Report of Sri. K.Nazeer Ahmed Khan, enquiry Officer, APSWB, dated:
23-12-2022.
11. Board's Resolution No.620 of 2023, dated:03-02-2023.
12. Orders of the Hon'ble Chairperson, APSWB, dated: 08-02-2023.

The Waqf institution Mosque known as Roza Masjid sunni situated at Kurnool City and District is a notified Waqf and got published in the A.P. Gazette No.43-A, Part-II, Dated:24-10-1963 at Sl.No.3145, under the Towliath of Sabju Mian. The Rule of Succession to the Office of the Mutawalli specified as elected by Jamath.

In the ref.1st read above, Sri.Syed Shabbir Ahamed, S/o. late Syed Ismail Peer has submitted a representation stating that his forefathers were rendering services to the Mosque and requested to appoint him as Mutawalli for the subject institution. In the ref.2nd read above, the I.A Waqfs, Kurnool District has submitted his report that the subject institution is not having any attached properties and the local Muslims have purchased vacant site and started Madrasa in the said vacant site. There are (4) huts and (1) small house belongs to the said Mosque and the properties have not been registered to the subject institution. The I.A Waqfs, Kurnool District further reported that Sri.Syed Shabbir Ahmed is rendering services to the Mosque after the death of his father. The applicant has not produced any documents regarding relationship with the notified Mutawalli of Sabju Mian.

The said matter was placed before the Board and the Board has passed resolution No.134 of 2012, dated:25-02-2012 vide ref.3rd read above, wherein it is resolved by majority to appoint him as Mutawalli for a period of (2) years U/sec.63 of Waqf Act, 1995. Meanwhile the applicant is directed to produce the relevant documents to establish his right to appoint him U/sec.42 of Waqf Act, 1995. The application of managing Committee which is on file is set aside.

Sri.Syed Shabbir Ahmed, S/o.late.Syed Ismail Peer has submitted a representation in the ref.4th cited, with a request to issue orders of Mutawalli U/Sec.42 of Waqf Act, 1995 in respect of subject Waqf institution. In the ref. 5th read above, this Office has issued memo to Inspector Auditor Waqfs, Kurnool District with a request to submit factual report in the subject matter.

Accordingly, the Inspector Auditor Waqfs, Kurnool District has reported in the ref. 6th read above, that Sri Syed Shabbir Ahmed has filed O.A. No. 29/2012 on the file of Hon'ble AP State Waqf Tribunal and the Tribunal has passed interim orders, dated: 03-05-2012 in IA No. 404/2012 is OS.No.21/2012 that to direct the respondents to maintain status quo as regards the appointment of Mutawalliship / managing committee to the subject Waqf institution till further orders. Aggrieved by its interim orders Sri.Syed Shabbir Ahmed has preferred CRP No.4720 of 2013 and in the result the CRP allowed and remained the matter back to the Waqf Tribunal to decide afresh. The status quo

order that was in force as on the date of disposal of the main O.A holding want of jurisdiction since set aside revives without prejudice to the contest of both parties, if at all to file any counter and decide on own merits. As the O.A. is of the year 2012, the Tribunal shall make every endeavour subject to other preference for early disposal of the O.A.No.29 of 2012 finally the Hon'ble High Court closed the petition on 20-12-2017.

The AP State Waqf Tribunal has passed final orders in O.A.No.29/2012, Dated:27-08-2018 as follows:

In the result, this original application is partly allowed and partly dismissed as under.

- a) The request of the applicant to issue direction to the 1st Respondent/Waqf Board for implementation of the impugned resolution No.134/2012, Dated: 25-02-2012 is hereby rejected and to that extent this Original application is dismissed.
- b) The first Respondent/Waqf Board is hereby directed not to constitute the 2nd respondent Managing Committee and to that extent this Original Application is allowed.
- c) The Waqf Board is directed to consider the application of the applicant herein for his appointment as Mutawalli afresh by conducting necessary enquiry, by following the prescribed procedure under the provisions of the Waqf act, 1995 and to take a decision as early as possible.

In the ref. 7th read above, Sri. Amjad Ali Khan has filed an objection petition and levelled certain allegation against Sri.Syed Shabbir Ahmed for appointment of Mutawalli to the subject Waqf Institution.

In the ref. 8th read above, the Board has appointed to Sri K. Nazeer Ahmed Khan as enquiry officer to conduct a detailed enquiry U/Sec.71 of the Waqf Act, 1995 in the subject matter in the light of above orders passed by the Hon'ble AP state Waqf Tribunal.

Meanwhile a representation has been received from Sri.Syed Shabbir Ahmed vide ref. 9th read above, with a request to implement the orders of the Hon'ble Waqf Tribunal passed in OA No. 29 of 2012, dated.27-08-2018.

The enquiry officer of Sri.K.Nazeer Ahmed Khan has submitted enquiry findings on 23-12-2022 vide ref.10th read above, and concluded his finding in favour of Sri Syed Shabbir Ahmed.

The above enquiry findings was placed before Board meeting and the Board has passed resolution No.620/2023, dated.03-02-2023 in the ref.11th read above to confirm the findings of the Enquiry Officer and to appoint Sri Syed. Shabbir Ahmed S/o. Syed Ismail Peer as Mutawalli as U/sec.63 of Waqf Act, 1995 for a period of one (1) year from the date of issuance the proceedings.

Accordingly, Sri Syed. Shabbir Ahmed S/o. Syed Ismail Peer is hereby appointed as Mutawalli U/sec.63 of Waqf Act, 1995 for Roza Masjid at Kurnool City & District for a period of one (1) year from the date of issuance the Proceedings 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 (FAC),
A.P. State Waqf Board, Vijayawada.

To
Sri Syed. Shabbir Ahmed S/o. Syed Ismail Peer,
Mutawalli of Roza Masjid, Kurnool City & District.