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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,
ANDHRA PRADESH STATE WAQF BOARD,
4th FLOOR, IMDADGHAR, OPP: KALESWARAO MARKET, VIJAYAWADA.

F.No.B3/6/ATP/2003

Date:15-10-2025.

SRI SATYA SAI DISTRICT (ERSTWHILE ANANTAPURAMU DISTRICT) DARGAH HZT MASTAN VALI, EIDGAH & BURIAL GROUND AND ITS ATTACHED PROPERTY IN Sy.No.529-1 & 529-2 TO AN EXTENT OF Ac.8.67 Cts COVERED BY SHOPPING COMPLEX LOCATED AT KOTHACHERUVU VILLAGE AND MANDAL - Sri MANIKYAM BABA FAKRUDDIN APPOINTED AS MUTAWALLI U/Sec.63 OF THE UNIFIED WAQF MANAGEMENT, EMPOWERMENT, EFFICIENCY AND DEVELOPMENT ACT, 1995 AS AMENDED BY THE WAQF (AMENDMENT) ACT, 2025 FOR A PERIOD OF TWO (2) YEARS.

- Read : 1. This Office intimation issued to Sri K.Atavur Rahiman, Mutawalli/
Manager of the subject institution vide F.No.B3/6/ATP/2003, Dated:
30-01-2025
2. This office proceedings F.No.B3/6/ATP/2003, Dated:07.04.2025.
 3. This office proceedings F.No.B3/6/ATP/2003, Dated:07.04.2025 for appointment of Enquiry Officer.
 4. Interim orders of the Hon'ble High Court of AP dated: 06-05-2025 in IA No.1 of 2025 in WP No.11255 of 2025.
 5. Office orders in F.No.B3/61/ATP/2003, dated:04-06-2025.
 6. Report of the I.A., Waqfs, Sri Satya Sai District, vide Lr.No.01/IAW SST/D-KTCH/2025, Dated:13-06-2025.
 7. This office Authorization to I.A. Waqfs, Sri Satya Sai District, dated: 25-06-2025.
 8. Interim orders of the Hon'ble High Court in IA.No.1/2025 in WP No.17016 of 2025, dated:11-07-2025.

9. Legal opinion of the Standing Counsel of APSWB, Dated:25-08-2025 through email .
- 10.Representation of Sri M. Baba Fakruddin, Kothacheruvu (V&M), Sri Satya Sai District, Dated:01-09-2025.
- 11.Joint representation of Muslims of Kothacheruvu (V &M), Sri Satya Sai District, Dated:02-09-2025 &17-09-2025.
- 12.Board Resolution No.237/2025, Dated: 17-09-2025.

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ORDER:

The Waqf Institution namely Dargah Hazrath Mastan Vali, Iddgah and Burial ground and its attached properties in Sy.No.529-1 & 529-2 to an extent of Ac.8.67 cts has been converted in to shopping Complex as mention in Column No.5 are situated at Kothacheruvu Village, Municipal No.1/275, 276, 277,278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294,1/296,1/216-1, 2, 3, 4, 5, 6, 7, 8, 9,10,11,12,13,14,15,16 Panchayath H Nos.39 shops and Andhra Bank Building are registered as Waqf on 05-11-94 U/sec.25 & 26 of the Waqf Act, 1954 vide in F.No.R1/46/ATP/84 the Rule of succession to the office of the Mutawalli specified as AP State Waqf Board and the same is notified in A.P. Gazette No.1, Part-II, Dated: 05-01-1995 and subsequent Gazette No.22, dated:29-05-2014 properties are read as 1/275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 1/296, 297, 298, 1/216,1/216-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16. Panchayah H.Nos.39 shops and Andhra Bank Building. D.No.1/205, 1/206, 1/207, 1/208, 1/209, 1/210, 1/211, 1/212, 1/213 in D-Block 1/348 and 1/323 in A-Block in Sy.No.529-1 and 529-2 situated Kothacheruvu Village.

In the ref.1st read above, due to submission of the resignation by Sri K.Atavur Rahaman, the then Mutawalli/Manager of subject institutions to the post of and the Mutawalliship to the subject institutions and the same has been accepted Board has constituted a managing Committee to the above institutions and its attached properties vide Boards Proceedings in F.No.B3/6/ATP/2003, Dated:07-04-2025 for a period of one (1) year under president-ship of Sri Manikyam Baba Fakruddin and (8) others U/sec.18 of Waqf Act,1995 to manage the day to day affairs of the subject Waqf Institutions smoothly vide ref.2nd read above.

Further the Board has appointed Sri A.K.Nazeer Saheb, E.O. APSWB / Addl. Director Sericulture (Retd.,) vide ref.3rd read above, on 07-04-2025 as Enquiry Officer to conduct detailed enquiry U/sec.70 & 71 of Waqf Act,1995 on the claims of Mutawalliship to the subject institutions by Sri Mohammed Areef Badwel R/o. Kadiri and Sri K.Nissar Ahmed S/o. Vali Saheb to submit his enquiry report within six (6) months and the said enquiry is under process.

Aggrieved by the order dated:07-04-2025 for constitution of the Managing Committee Sri Manikyam Arish Ahemmad has filed W.P.No.11255/2025 on the file of Hon'ble High Court of AP vide ref.4th read above, and the Hon'ble High Court has passed interim orders Dated:06-05-2025 vide IA No.1 of 2025 in WP No.11255 of 2025. The relevant portion of the orders are as follows:

“ the proceedings in F.No.B3/6/ATP/2003 dated 07.04.2025 are suspended and to constitute a fresh Managing Committee in accordance with Rules and Regulations. Till the constitution of a managing committee, the 2nd respondent shall take necessary steps to look after the day today affairs of the institutions”.

In pursuance to the above orders of the Hon'ble High Court the Board issued an Office orders Dated:04-06-2025 vide in the ref.5th read above has been issued in favour of the Inspector Auditor Waqfs, Sri Satya Sai District to take over the complete charge of the institutions and its attached properties and the Inspector Auditor Waqfs, Sri Satya Sai District has taken over the charge of the institutions and its attached properties on 10-06-2025 from the ex-managing Committee and submitted his report vide ref.6th read above.

Further in compliance to the orders Dated:06-05-2025 vide IA No.1 of 2025 in WP.No.11255 of 2025 of the Hon'ble High Court of AP and the orders of the Hon'ble Chairperson, APSWB Dated:21-06-2025, this office was issued an authorisation vide ref.7th read above to Sri Shaik Raheem Hussain, Inspector Auditor Waqfs, Sri Satya Sai District to conduct Elections by following the AP Waqfs Managing Committee (Constitutions, Functions & Duties) Regulations, 2009 and Waqf Act, 1995 for the Constitution of Managing Committee to Dargah Hzt Mastan Vali, Jamia Masjid, Idgah & Burial Ground and Choti Masjid (Jumma Masjid) situated at Kothacheruvu (V &M).

Accordingly, the Inspector Auditor Waqfs, Sri Satya Sai District has issued Notice, Dated:01-07-2025 to the Muslims of Kothacheruvu Village for submission of their details for preparation list of voters for conduct of election for the constitution of the managing Committee.

In the meanwhile Sri Manikyam Arish Ahemmad has filed the present W.P.17016 of 2025 vide ref.8th read above to suspend the Authorization, Dt:25-06-2025 and the Hon'ble High Court has passed interim orders in IA No.1/2025 in WP No.17016 of 2025, Dated:11-07-2025 and the details here under:

“ Prima facie, the proceedings impugned are in violation of Regulation 10 of Andhra Pradesh Waqf Managing Committee (Constitution, functions and Duties) Regulations, 2009.

Given the facts and circumstances of the case, the proceeding impugned vide F.No.B3/61/ATP/2003 dated:25.06.2025 are hereby suspended.

However, this order will not preclude the respondents authorities to adhere to the procedure, regarding conducting the elections to the institutions, referred to supra”.

Further this file has been circulated to Standing Counsel of APSWB, Vijayawada and the standing Counsel has submitted his opinion vide ref.9th read above on 25-08-2025, concluded with the opinion and the details here under:

“ The standing Counsel of APSWB has stated that the A.P. State Waqf Board is legally empowered, upon resignation of the Mutawalli, to either appoint a Mutawalli for the particular period of time or Constitute a Managing Committee for the Waqf institution U/sec. 63 or U/Sec.18 UWMEED Act until a regular Mutawalli is appointed. Since the above institutions are distinct notified Waqfs, each institution separately may have to be looked into as a separate entity.

1. For Hazrath Mastan Vali Dargah, Mosque, Idgah and Burial Ground, and for Jumma Masjid (Choti Masjid), the Board may either constitute a Managing Committee (or) appoint a fit person/Mutawalli U/sec.63.
2. For the Jumma Masjid governed by hereditary succession by custom, the Board cannot constitute a Managing Committee. It may only appoint a Mutawalli (temporary or permanent), and if necessary, a Supervisory Committee for limited purposes of oversight.
3. Since the three institutions are distinct notified Waqfs, each must be managed separately, unless there is documentary evidence to establish that they constitute a single composite Waqf.
4. Finally the Standing Counsel of APSWB has opinion that accordingly, separate Managing committees / fit persons must be constituted for each institution, except for the hereditary Jumma Masjid, where only a Mutawalli is permissible”.

Further in the ref.10th read above, this office has received representation from Sri Mamikyam Baba Fakruddin, Ex- Sarpanch, Kothacheruvu (V &M), Sri Satya Sai District , wherein he has stated that that Hzarath Mastan Vali Dargah and its attached properties are notified Waqf the Institution having a shopping complex which consists of 110 mulgies (shops), Madarasa, Dargah etc which need frequent monitoring to take care and its day to day affairs and protection of the property, further he was informed that at the time he was Sarpanch to Kothacheruvu Village contributed service in the development of Village implementing several schemes to the vulnerable people also attended social services during his period and the local Muslims are requested to him to act as Mutawalli to the institution in the interest of Waqf and the Rule of succession to office of Mutawalli to the above said institution mentioned as “ AP State Waqf Board”

in this regard the Board can appoint me as Mutawalli under the provisions of the Waqf Act, 1995 and requested to appoint him as Mutawalli as per section 63 of UWMEED Act, 2025.

In the ref. 11th read above, a joint representations have been received from Muslims of Kothacheruvu Village with a request to appoint Sri Manikyam Baba Fakruddin as Mutawalli to the subject institution.

The entire matter was placed before the Board in its meeting held on 17-09-2025 and after careful examined the above and " the Board discussed the matter and unanimously resolved to appoint Sri Manikyam Baba Fakruddin as Mutawalli U/sec. 63 of the UWMEED Act, 1995 for a period of (2) two years in respect of Dargah Hzt Mastan Vali, Eidgah & Burial Ground and its attached property in Sy.No.529-1 & 529-2 to an extent of Ac.8.67 cts covered by Shopping Complex located at Kothacheruvu Village and Mandal to look after the day to day affairs of the institution.

Further, resolved to appoint Sri Sk.Raheem Hussain, Inspector Auditor Waqfs as Executive Officer to operate the Bank account jointly along with Mutawalli. The Board further resolved to continue the remaining Waqf institution under direct management by Continue Sri Sk.Raheem Hussain, E.O., till further orders" vide Resolution No.237/2025, Dated: 17-09-2025 in the ref. 12th read above.

Accordingly, Sri Manikyam Baba Fakruddin is hereby appointed as temporary Mutawalli U/sec 63 of the Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995 as amended by the Waqf (Amendment) Act, 2025 for the Waqf Institution Dargah Hzt Mastan Vali, Eidgah & Burial Ground and its attached property in Sy.No.529-1 & 529-2 to an extent of Ac.8.67 cts covered by Shopping Complex located at Kothacheruvu Village and Mandal for a period of two (2) years for managing the affairs of the subject institution and its attached properties from the date of issue of this orders by following the UWMEED Act, 1995 as amended by the Waqf (Amendment) Act, 2025 and Waqf Rules made therein.

Further, Sri Shaik Raheem Hussain, Inspector Auditor Waqfs, Ananatapuramu District is hereby appointed as Executive Officer to the subject institution to monitor all the accounts and incurred necessary expenditure jointly and also to operate the Bank Account jointly along with Mutawalli.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995 as amended by the Waqf (Amendment) Act, 2025 read with A.P. Waqf Rules, 2023 and should follow the instructions issued by the Board from time to time he should submit the Accounts U/sec.46 of the UWMEED Act, 1995 as amended by the Waqf (Amendment) Act, 2025 and Budget U/sec.44 of the UWMEED Act, 1995 as amended by the Waqf (Amendment) Act, 2025 and pay the Waqf fund to the Board every year

duly following the provisions laid down U/sec.72 & 77 of the UWMEED Act,1995 as amended by the Waqf (Amendment) Act, 2025 properly, failing which action will be taken against him U/Sec.61 and 64 of the UWMEED Act,1995 as amended by the Waqf (Amendment) Act, 2025 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, to allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereof.
- c) To discharge all public duties. To do any other Act which he is Lawfully required to do so or under this Act.
- d) The EO/ Mutawalli shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- e) The Mutawalli should follow the Norms fixed under Section 56 of Unified Waqf Management, Empowerment, Efficiency and Development Act,1995 as amended by the Waqf (Amendment) Act,2025 while granting Lease of any agricultural lands. He should follow Lease Rules,2014 while leasing of attached Waqf properties through A.P. State Waqf Board.
- f) The Mutawalli and EO shall open joint account in any Nationalized Bank and all the transactions shall be reflected therein.
- g) Further subject to the condition that if any future claims / objections are received on the said hereditary-ship, appropriate decision will be taken as per law.

As per Sec.101(2) of Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995 as amended by the Waqf (Amendment) Act,2025 “ 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 to be deemed as a public servant within the meaning of “Clause (28) of section 2 of the Bhartiya Nyaya Sanhita, 2023”. 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, and also penalty for alienations of Waqf property without sanction of the Board shall be punishable with (imprisonment) for a term which may extend to (2) years U/sec.52-A and section 61 speaks penalties for the lapses/ charges shown therein, hence should act carefully, diligently and maintain accounts scrupulously as specified under this Act.

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

SHAIK MOHAMMAD ALI,
Chief Executive Officer (FAC),
A.P. State Waqf Board, Vijayawada.

To

1. Sri Manikyam Baba Fakruddin
S/o. M Khuddus Sab,
Mutawalli of Dargah Hzt Mastan Vali, Eidgah & Burial Ground,
and its attached properties at Kothacheruvu Village & Mandal,
Sri Satya Sai District.
2. Sri Shaik Raheem Hussain,
E.O. / Inspector Auditor Waqfs, Anantapuramu District.