

HIGH COURT OF ANDHRA PRADESH

MAIN CASE No:W.P.No.3190 OF 2023

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
1.	09.02.2023	<u>RNT,J</u> Sri V.N.V.Surya Dattu, learned counsel for the petitioner submits that the Managing Committee of the respondent No.3 was earlier constituted on 13.02.2019, in which the petitioner was the President, challenging the same W.P.No.2141 of 2019 was filed, which was allowed setting aside the order dated 13.02.2019, vide judgment dated 07.08.2020, which was affirmed in W.A.No.299 of 2020 by order dated 05.11.2020. 2. He submits that the respondent No.2, the Andhra Pradesh State Waqf Board (in short, the Board) was directed to conduct elections of the respondent No.3 herein within the specified period, but that a new committee of management has been constituted for a period of two (02) years from 14.10.2022 to 14.10.2024 without considering the petitioner's application dated 29.12.2020, submitted after the judgment in the Writ Appeal as also without holding the elections, even for the present term.	

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		3. Sri S.Arifullah, learned Standing counsel for the Waqf Board submits that after the judgment in the Writ Appeal, the institution was taken under the direct management of the 2nd respondent. He submits that after the expiry of the term of the committee constituted by the order dated 13.02.2019, this is the fresh constitution of the committee and consequently the direction, which was given to hold elections, in W.P.No.2141 of 2019 would not be applicable. He further submits that new committee has been constituted following Regulation 5 (1) of the Regulations 2009, according to which in case of a unanimous panel and certified by Inspector Auditor, there would be no requirement for elections. 4. Sri S.Arifullah, further raises the objection that the petitioner has not filed the order of Constitution of the committee and is challenging the communication, only. 5. Learned counsel for the petitioner submits that only the information has been given under RTI application to the petitioner. Copy of the order has not been given. 6. In W.P.No.2141 of 2019, this Court, in judgment dated 07.08.2020, observed as under:- <i><u>"Before departing with the matter this court constrained to take judicial notice of the fact that the 2nd respondent, in spite of availability of two panels and unanimous proposals of the musalies by representation on record to</u></i>	

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		<i>conduct elections ignoring the same, repeatedly in number of cases, contrary to Regulation 5 of the Regulations, 2009, the 2nd respondent is deliberately resorting to constitute the Managing Committee for the wakf institution by accepting one of the panel out of two panels, for a period of one year or two years under political consideration thereby lot of litigation is created. Such practice of the 2nd respondent needs to be deprecated firmly. The 2nd respondent has to understood that what amount of pressure this court has undertaken to finally adjudicate the lis in this writ petition before expiry of the terms of managing committee of the 4th respondent mosque in the prevailing circumstances and atmosphere, better to avoid unnecessary litigation, by scrupulously following the rule of law. This is high time to prevent entry of politicians into the affairs of the Wakf Institution, where peaceful atmosphere is needed. It is the duty of every citizen of India to see that this court function effectively by reducing frivolous and unscrupulous litigation, especially governmental agencies by following the national litigation policy enunciated by Central Government, with the consultation of Hon'ble Supreme Court of India, by taking effective steps for reducing the unnecessary litigation."</i> 7. There was also clear direction to the Board, as follows:- <i>"Hence, the impugned order is liable to be set aside, and accordingly, it is set aside. Accordingly, the 2nd respondent is directed to conduct elections to the 4th respondent wakf institution as expeditiously as possible within a period of eight weeks from the date of receipt of the copy of this order by preparing electoral list, by the existing registered mussalies of the 4th respondent mosque."</i>	

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		8. The submission of the learned Standing Counsel that there was no need to hold elections, prima facie, does not appeal to the Court for the reason that the Constitution of the earlier committee, impugned in W.P.No.2141 of 2019, the term of which was for two (02) years from 13.02.2019, was set aside by this Court, on 07.08.2020 with the directions as quoted above. So there is no question of the term coming to an end but the direction was to constitute the committee by conducting elections after preparing electoral list. Since thereafter, the management remained under the control of the Board and the present is the 1st committee, constituted thereafter, without holding elections, though prima facie, the direction to hold elections vide order dated 07.08.2020, as affirmed in Writ Appeal on 05.11.2020 to constitute the managing committee, was not for the remaining period. 9. Learned Standing Counsel shall obtain instructions, in particular, i) if any committee of management for the mosque in question was constituted after the judgment in W.P.No.2141 of 2019 by holding the elections and ii) if not, the constitution of the present management committee, impugned in the writ petition, was why not constituted by holding elections.	

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		10. Learned Standing Counsel shall produce before the Court the order by which the present committee has been constituted for the present period with effect from 14.10.2022 to 14.10.2024. 11. List on 14.02.2023 in the 'motion list'. RNT,J Scs	