APHC010293042026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3332]**
(Special Original Jurisdiction)

THURSDAY,THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT:THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 15440/2026

&

WRIT PETITION No.13245/2026

Writ petition No.15440 of 2026

Between:

1. SK SULEMAN, S/O (LATE) SK SARVAR SAHEB, AGED ABOUT 53 YEARS, OCC. MUTHAWALI. R/0. 8-6-1, WYNCHPET, RUNHUSAN PANJA, VIJAYAWADA. KRISHNA DISTRICT. 520001.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY MINORITIES WELFARE DEPT SECRETARIAT,AT VELAGAPUDI GUNTUR DISTRICT AP - 522237.
2. WAQF BOARD OF ANDHRA PRADESH, REP BY ITS CHIEF EXECUTIVE OFFICER, VIJAYAWADA. NTR KRISHNA DISTRICT 520001.
3. SURVEY COMMISSIONER OF WAQF, GOVT OF ANDHRAPRADESH , SECRETARIAT, VELAGAPUDI. GUNTUR DISTRICT 522237
4. THE INSPECTOR AND AUDITOR OF WAQF, 0/0 COLLETERATE , NTR (KRISHNA) DISTRICT 520002
5. THE VIJAYAWADA MUNICIPAL CORPORATION, REP BY. ITS COMMISSIONER, VIJAYAWADA. NTR KRISHNA DISTRICT 520001
6. THE COMMISSIONER OF POLICE, VIJAYAWADA CITY POLICE,M VIJAYAWADA 520010

7. SHEIKH JEELANI ALIAS SHAIDA, S/O SK MEHABOOB, AGED ABOUT 40 YEARS, R/0 . D NQ 8-6-1 , PANJA CENTRE, WYNCHPET, VIJAYAWADA 520001

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order direction more particularly in the nature of Writ of Mandamus by declaring the action of the respondents declining accord the permission to Petitioner for the conduct the Mohurrum procession for the Run Hussain Peer Panja / Lanka Peer Panja Vijayawada is abuse of vested at power, copriciosu and arbitrary consequently direct the Respondent to accord a permission to Petitioner to conduct the Mohurrum procession for lanka Peer Panja/ Run Hussin Peer Panja at Vijayawada pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to permit the conduct the petitioner and his rival 7th Respondent to conduct the Muharram procession for Lanka Peer Panja RunHussain Peer Panja at Vijayawada Jointly as directed by this Hon'ble court in WP No 21670 and 24071 of 2022 dated 05-08-2022.

Counsel for the Petitioner:

1. T RAGHU PRASAD

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR SOCIAL WELFARE

WRIT PETITION NO: 13245/2026

Between:

1. SHAIK JILANI SAIDA,, S/O. MAHABOOB, AGED ABOUT 39 YEARS, OCC NOTIFIED HEREDITARYMUTAWALLI, LANKA', PEER RUN PANJA,D.NO.8-6-1, PANJA CENTRE, VIJAYAWADA, AP.

...PETITIONER

AND

1. A P STATE WAQF BOARD, REP.BY ITS SPECIAL OFFICER/CHIEF EXECUTIVE OFFICER, VIJAYAWADA.
2. CHIEF EXECUTIVE OFFICER, A.P. STATE WAQF BOARD VIJAYAWADA
3. STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MINORITIES WELFARE DEPT., SECRETARIAT AT VELAGAPUDI, GUNTUR DISTRICT, AP. .
4. THE STATION HOUSE OFFICER, 11-TOWN POLICE STATION, VIJAYAWADA.
5. THE COMMISSIONER OF POLICE, POLICE COMMISSIONERATE, VIJAYAWADA.
6. THE VIJAYAWADA MUNICIPAL CORPORATION, REPRESENTED BY ITS COMMISSIONER, KRISHNA DISTRICT

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, or order or direction, more particularly, one in the nature of Writ of Mandamus declaring the inaction of the Respondents 1 and 2 in not passing orders on the representations of the Petitioner dated 16.05.2024 and 11.02.2026 to recognize the Petitioner as Mutawalli and allow him to continue in managing the affairs of the Waqf Property of Lanka Peer Run-Hussain Panja, D.No.8-6-1, Panja Centre, Vijayawada, in terms of the orders in W.A. 752 of 2025 dated 15.07.2025, as illegal, arbitrary, contrary to law, malicious, biased, politically motivated, discriminatory, and violative of Articles 14, 21, and 300A of the Constitution of India, in the interest of justice and pass such

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to take immediate action on the Representations submitted by the petitioner dt.12.09.2018 23.07.2019, 10.11.2021 & 15.06.2025 respectively to the Respondents against the land grabbers and

tenants from the gazette notified Mutawalli Waqf Property of Lanka Peer Run-Hussain Panja, D.No.8-6-1, Panja Centre, Vijayawada, in the interest of justice pending disposal of the above writ petition and to pass such

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to direct the respondents to take immediate action on the Representation submitted by the petitioner dated 16.05.2024, representations dated 11.02.2026 addressed to the 1st and 2' Respondents in terms of orders in W.A.752 of 2025 dated 15.07.2025 to recognize the Petitioner as Mutawalli by continuing him to manage the affairs of the Waqf Property of Lanka Peer Run-Hussain Panja, D.No.8-6-1, Panja Centre, Vijayawada, in the interest of justice, pending disposal of the above writ petition and pass such

IA NO: 3 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to direct Respondents to accord permission to the petitioner as per representation dated 02.04.2026 to conduct the "Moharam Peerla Festival" at Petitioner to conduct the Moharram festival to beheld from 15.06.2026 to 29.06.2026 for the Waqf institution Lanka Peer Run-Hussain Panja, D.No.8-6-1, Panja Centre, Vijayawada, pending disposal of the above Writ Petition, in the interest of justice, pending disposal of the above Writ Petition and pass such

Counsel for the Petitioner:

1. CORPUS JURIS LAW PANEL LLP

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR SOCIAL WELFARE
3. SHAIK KHAJA BASHA
4. S.V.S.S.SIVARAM SC For VMC

COMMON ORDER

The Writ Petition vide W.P.No.15440 of 2026 is filed questioning the action of the official respondents in declining to accord permission to the petitioner to conduct Muharram procession for the Run Hussain Peer Panja/ Lanka Peer Panja at Vijayawada (hereinafter, referred to as 'the Panja).

2. The Writ Petition vide W.P.No.13245 of 2026 is filed questioning the inaction of official respondents in passing orders on representations made by petitioner dated 16.05.2024 and 11.02.2023 to recognize him as Mutawalli and to accord permission to him as per representation dated 02.04.2026 to conduct Muharram festal to be held from 15.06.2026 to 29.06.2026 for Lanka Peer Run-Hussain Panja, Vijayawada.

3. Since both the writ petitions pertain to the same subject Panja and the relief sought is almost similar laying rival claims regarding their entitlement to conduct Muharram festival at the said Panja, both of them were heard together and are being disposed of by this common order.

4. For convenience, the petitioner in W.P.No.15440 of 2026 will be referred to as 'the petitioner' and the petitioner in W.P.No.13245 of 2026 will be referred to as 'respondent no.7' as per their status in W.P.No.15440 of 2026 in later part of this common order.

5. The case of the petitioner as set out in W.P.No.15440/2026, in brief, is that his father served as Mutawalli and conducted Muharram procession every year till his death in the year 2015 and in fact the Run Hussain Panja is located in the site of his grandfather, which subsequently was declared as Waqf property. It is his further case that subsequent to death of his father, he filed series of applications before the Waqf Board seeking his appointment as Mutawalli of the said Panja, however they have not been decided yet, despite the fact that succession to Mutawalli is hereditary as per Waqf Act, mainly due to the opposition made by respondent no.7 by filing a representation stating that he is fit person to be appointed as Mutawalli for the said Panja claiming hereditary succession through his great grandfather without producing any evidence to the effect that his great grandfather was ever appointed as Mutawalli by the Waqf Board. It is further case of the petitioner that infact, during the minority of the father of the petitioner, the great grandfather of respondent no.7 was looking after the procession till petitioner's father attained majority as an interim Mutawalli and thereafter petitioner's father was appointed as Mutawalli vide notification dated 01.12.2003 and continued as such till his demise in 2015. It is his further case that since Permanent Governing Body was not constituted to decide the successor of Mutawalli for the said Panja, neither of the rivaling parties have been appointed a

Mutawalli, however, the respondent no.7 succeeding in getting him appointed as temporary/interim Mutawalli under Section 63 of the Waqf Act, 1995 for a period of two (02) years, which expired on 7.11.2024. It is his further case that the petitioner as well as respondent no.7 filed Writ Petitions vide W.P.Nos.21670 & 24071 of 2022 seeking an identical relief of granting permission to conduct Muharram Procession of the year 2022 and a Coordinate Bench of this Court vide common orders dated 05.08.2022 permitted the petitioner as well as respondent no.7 to perform the Holy Muharram Ceremony one in the morning from 10.00 a.m. to 1.00 p.m. and the another from 2.00 p.m. to 5.00 p.m. It is his further case that in the year 2025 again the respondent no.7 made representation to A.P.Waqf Board seeking permission to conduct Muharram Procession and as the same was rejected, he filed Writ Petition vide W.P.No.14990 of 2025 and since no interim orders were passed, he preferred Writ Appeal No.752 of 2025 with lack of facts and without adding the petitioner as respondent therein and pursuant to the interim orders passed therein, he conducted the procession alone for that year. It is his further case that in the year 2026, the petitioner filed Writ Petition vide W.P.No.14673 of 2026 and this Court taking into consideration of pendency of Writ Petition vide W.P.No.13245 of 2026 filed by respondent no.7, disposed of the writ petition directing the authorities of AP

Waqf Board to conduct detailed enquiry within two months and appoint a permanent Mutawalli. Thereafter, the petitioner made a representation dated 02.06.2026 seeking permission to conduct Muharram Procession and respondent no.2, without considering the material submitted by the petitioner and citing unrelated issues, rejected permission to the petitioner, which is biased, capricious and contrary to the orders passed by this Court as well as settled principles of law. Hence, the writ petition.

6. The case of respondent no.7 as set out in W.P.No.13245 of 2026, in brief, is that he made representations to consider his case for Mutawalliship and since the authorities ignored, he filed writ petition vide W.P.No.1362 of 2021, which was disposed of directing the Board to pass appropriate orders and thereafter the Board appointed him as Mutawalli under Section 63 of the Waqf Act,1995 for two (02) years and thereafter by virtue of the orders passed in W.P.Nos.17833 & 17244 of 2025, he conducted Muharram festival of the year 2025. It is his further case that petitioner filed civil suits for eviction against tenants by creating a fraudulent partition deed dated 23.8.2014, though Civil Court lacks jurisdiction over the waqf properties and though the enquiry report dated 19.12.2018 confirmed him (respondent no.7) as legal heir of Mutawalli and even though this Court directed the authorities to appoint Mutavalli, the authorities did not take any action on the

representations made by him and hence the authorities may be directed to recognize him as Mutawalli, allow him to continue in managing the affairs of waqf properties of the Panja and grant him permission to conduct Muharram festival from 15.06.2026 to 29.06.2026.

7. Heard Sri V.V.Suryanarayana, learned counsel, representing Sri Tungala Raghu Prasad, learned counsel for the petitioner, learned Standing Counsel for Waqf Board and Sri M.V.Raja Ram, learned counsel for respondent no.7.

8. Sri V.V.Suryanarayana, learned counsel, while reiterating the contents of the writ affidavit in W.P.No.15440 of 2026 would contend that the petitioner is legally entitled to be appointed as Mutawalli by hereditary succession, since his father was the Mutawalli till his death in the year 2015, however the respondent no.7 claiming that his great grandfather was Mutawalli, who infact was an interim Mutawalli only looked after the Procession during minority of petitioner's father, raised objections and even managed the authority and got himself appointed as interim Mutawalli for a period of two (02) years from 2022 to 2024. He would further contend that respondent no.7 did not produce any record to show that his successor was ever appointed as Mutawalli, however the authorities appointed him as interim Mutawalli for reasons unknown and in further extension of their illegal support

they rejected the request made by the petitioner for conducting Muharram Procession though legally entitled being successor of Mutawalli and hence the orders rejecting the request of the petitioner is not only lacks reasons but also based on irrelevant facts and issues and the orders passed in civil suits and in utter violation of orders of this Court and hence the said order is liable to be set aside. The learned counsel further contended that without prejudice to the above contentions, the Court if pleases may direct the petitioner as well as respondent no.7 to conduct Procession in two shifts as ordered earlier by a coordinate bench of this Court in W.P.No.21670 of 2022. Accordingly, the learned counsel prayed to allow Writ Petition No.15440 of 2026 filed by petitioner and dismiss the writ petition No.13245 of 2026 filed by respondent no.7.

9. Dr. M.V.Raja Raam, learned counsel for respondent no.7, would contend that the enquiry report dated 19.12.2018 makes it very clear that respondent no.7 is the successor of notified Mutawalli of the subject Panja and the same was reinforced by his appointment as temporary Mutawalli by the Board from 2022 to 2024 and due to political pressure exerted by the petitioner the Board did not appoint him Mutawalli for 2025, however, by virtue of the orders of this Court, he conducted Muharram Procession. He would further contend that despite the orders passed by this Court as well as

Division Bench, the Waqf Board kept pending the representations made by respondent no.7 for his appointment as Mutawalli. He would further contend that AP Waqf Board pursuant to the orders passed by this Court in Writ Petition Nos.14673 & 13245 of 2026 permitted respondent no.7 to conduct Muharram celebrations during the period 15.06.2026 to 30.06.2026 while rejecting the request of the petitioner, by giving cogent and sufficient reasons and hence the same does not require interference of this Court. He would further submit that since the authorities kept the matter in cold storage for so many years despite the orders passed by this Court as well as Division Bench, the authorities may be directed to take immediate action on the representations made by respondent no.7 and appoint him as permanent Mutawalli of the subject panja. He would further contend that the Division Bench of this Court by taking into consideration the concomitant circumstances such as appointment of respondent no.7 as temporary Mutawalli etc., granted permission to conduct Muharram festival of the year 2025 by respondent no.7 alone and therefore, granting permission to both the petitioner and respondent no.7 in shifts as ordered by a coordinate bench of this Court earlier cannot be considered in view of the subsequent orders passed by Division Bench of this Court. Accordingly, prayed to allow the Writ

Petition vide W.P.No.13245 of 2026 filed by respondent no.7 and dismiss the writ petition vide W.P.No.15440 of 2026 filed by the petitioner.

10. The learned Standing counsel for Waqf Board submitted that the representations made by the petitioner as well as respondent no.7 have been considered by conducting enquiry and giving personal hearing to the petitioner as well as respondent no.7 and the claim made by the petitioner was rejected and respondent no.7 is permitted to conduct Muharram celebrations during the period from 15.06.2026 to 30.06.2026 vide proceedings bearing F.No.89/NTR/Per/2023, dated 09.06.2026, by giving cogent reasons. He would further contend that Division Bench of this Court by taking into consideration the enquiry report submitted by enquiry officer dated 19.12.2018, which shows that respondent no.7 is the maternal grandson of Dada Saheb, the deceased notified Mutawalli, permitted him to conduct Muharram in the year 2025 and the same was also taken note of while passing permission orders dated 09.06.2026 permitting respondent no.7 to conduct Muharram Procession from 15.06.2026 to 30.06.2026. There is neither illegality nor procedural irregularity in passing orders and the said order is supported by valid and cogent reasons and hence does not require interference of this Court. Accordingly prayed to pass appropriate orders.

11. Perused the material available on record and considered the submissions made by learned counsel for the parties.

12. The material would disclose that pursuant to the enquiry report submitted by the enquiry officer dated 19.12.2018, the Waqf Board approved the name of respondent no.7 and consequently a gazette notification was issued appointing respondent no.7 as Mutawalli of the said institution for a period of two (02) years, which expired by 07.11.2024. The material further discloses that by virtue of the orders dated 05.08.2022 passed in W.P.Nos.21670 & 24071 of 2022, the petitioner as well as respondent no.7 were permitted to perform Holy Muharram in two shifts from the years 2022 to 2024. By virtue of the orders passed in W.A.No.752 of 2025, the respondent no.7 conducted Muharram Procession of the year 2025.

13. The delay in appointing permanent Mutawalli is mainly because the Waqf Board was not properly constituted till the year 2024. It is brought to the notice of this Court that as of now Waqf Board is properly constituted. The respondent no.2-Chief Executive Officer, Waqf Board, appeared virtually and submitted that the matter will be placed before the Waqf Board in this month and a permanent Mutawalli will be appointed as soon as possible. Both the parties are claiming to be the decedents of notified Mutawalli and as to who is the notified Mutawalli is also in dispute. It is fairly settled that while

exercising writ jurisdiction, this Court cannot embark upon deciding disputed facts. Keeping in view the fact that both the parties are approaching the Court every year by way of Writ Petitions seeking permission to conduct Muharram Procession, the authorities are directed to decide the matter as quickly as possible and appoint a permanent Mutawalli with the least possible delay and put a quietus to the dispute.

14. Regarding the other aspect as to granting permission, taking into consideration the facts that earlier the respondent no.7 was appointed as temporary Mutawalli for a period of two (02) years based on the report dated 19.12.2018 of the enquiry officer recognizing respondent no.7 as maternal grandson of the notified Mutawalli. As already observed supra, the respondent no.7 along with the petitioner conducted the procession in shift basis for a period of three (03) years and that he alone performed the procession in the year 2025 by virtue of the orders passed by Division Bench of this Court in Writ Appeal. In view of the above, considering that there are no changed circumstances from the date of passing of orders by Division Bench in Writ Appeal No.752 of 2025, this Court finds no illegality or arbitrariness in the orders passed by the State Waqf Board vide F.No.89/NTR/Per/2023, dated 09.06.2026 permitting respondent no.7 to conduct procession during the period 15.06.2026 to 30.06.2026. The authority had rightly held in the said

orders that civil suits filed and pending are not maintainable, since jurisdiction of Civil Courts is barred by Section 85 of the Waqf Act, 1995. Violation of principles of natural justice is not even complained of in passing the orders dated 09.06.2026 impugned in W.P.No.15440 of 2026 except stating that the material relied on by the petitioner was not considered even without specifying the material so relied on.

15. In the above view of the matter, this court does not find any merits in the Writ Petition No.15440 of 2026 filed challenging the order dated 09.06.2026 whereby the respondent no.7 is granted permission to conduct procession and hence the same is liable to be dismissed.

16. Since the order granting permission to respondent no.7 is upheld, no further orders are required to be passed for consideration of the representation of respondent no.7 dated 02.04.2026. Regarding the other relief sought in the writ petition vide W.P.No.13245 of 2026, the authorities shall decide the issue and appoint a permanent Mutawalli to the subject Panja in accordance with law, after affording a fair and reasonable opportunity to the petitioner as well as respondent no.7 to present their case besides giving a fair opportunity of being heard.

17. Accordingly, the writ petition vide W.P.No.15440 of 2026 is dismissed. There shall be no order as to costs.

18. Accordingly, the Writ petition vide W.P.No.13245 of 2026 is disposed of, permitting petitioner therein to conduct Muharram festival during the period indicated in the permission order vide F.No.89/NTR/Per/2023, dated 09.06.2026. The respondent authorities are directed to appoint permanent Mutawalli to the subject Panja after following the procedure contemplated under law, after giving both parties a fair and reasonable opportunity of submitting their case and hearing. The authorities shall decide the issue independently without being influenced by the observations, if any, made in this common order. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

18th June, 2026 RR

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