

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			CLR No. 27 of 2022 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. C.K. Sharma, Advocate, for the revisionist. Mr. G.S. Negi, Addl. C.S.C., for the State of Uttarakhand. Mr. T.A. Khan, Senior Advocate, for the respondents. In a Waqf Case No. 5 of 2021, Abdul Hamid and another Vs. District Magistrate and others, an order was passed on 2nd April, 2022, and as a consequence thereto, while deciding the impact of paper No.5Ga, the learned Waqf Tribunal had decided the matter observing hereunder :- “प्रार्थीगण की ओर से प्रस्तुत प्रार्थना पत्र 5ग स्वीकार किया जाता है तथा विपक्षी सं . 2 उपजिलाधिकारी जसपुर को आदेशित किया जाता है कि वह विधि में दिये गये उपबन्धों के अधीन विपक्षी सं 6 उत्तराखण्ड वक्फ बोर्ड द्वारा गठित नई कमेटी नियुक्त न होने तक पूर्व में गठित कमेटी के अध्यक्ष अब्दुल हमीद को मजार में बनी खानकाह के ताले की चाबियाँ सौंप देवे , साथ ही साथ विपक्षी सं . 1 जिलाधिकारी, उधम सिंह नगर व विपक्षी सं . 3 को यह भी आदेशित किया जाता है कि वह उक्त मजार की सुरक्षा हेतु दिनांक 30.09.2021 की स्थिति को बहाल करते हुए तत्काल आवश्यक कार्यवाही करना सुनिश्चित करे कृत कार्यवाही से इस अधिकरण को दिनांक 27.11.2021 तक आवश्यक रूप से अवगत करायें। पत्रावली दिनांक 27.11.2021 को वास्ते आपत्ति / सुनवाई हेतु पेश हो।” This order was put to challenge before the Tribunal, and the same has been decided on 12th November, 2021. On a simplicitor reading of the order, the learned Tribunal while deciding the impact of Paper No. 5-Ga, had made an arrangement, that the affairs

			decree of the Waqf would be handed over temporarily to the President Abdul Hameed, and simultaneously, a direction was issued, that a new committee may be constituted. The respondents have filed Withdrawal Application No. 11 of 2023, wherein, they have contended that in pursuance to the order passed by the S.D.M., the Waqf Committee has already been constituted on 6th September, 2023. The Constitution of the Committee is already a subject matter of challenge at the behest of the present revisionist, who has approached the Waqf Tribunal, and all inter se rights pertaining to the constitution of the Committee or the Waqf itself are yet to be decided by the Tribunal on its own merit. But, as far as the instant revision is concerned, since the arrangement made by the impugned order was only till the stage of constitution of the Committee, in fact, the lis by way of present Revision has been rendered infructuous, and all issues inter se between the parties, are yet to be decided in the Revision preferred by the revisionist, as against the order of 6th September, 2023, constituting a 7-Members Committee to manage the affairs of the Waqf No. No. 507. Hence, the Revision is dismissed as having rendered infructuous. (Sharad Kumar Sharma, J.) Dated 05.12.2023 Shiv
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