

Court No. - 40

Case :- WRIT - C No. - 30165 of 2023

Petitioner :- Mohammad Sajid

Respondent :- Chairman U.P. Sunni Central Waqf Board and 2 others

Counsel for Petitioner :- Umesh Vats

Counsel for Respondent :- Punit Kumar Gupta

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Umesh Vats, learned counsel for the petitioner and Sri Punit Kumar Gupta, learned counsel for the respondent nos.1 and 2.

2. By means of this petition, the petitioner has sought following reliefs:-

"I. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent board to complete the enquiry in pursuance of order passed by respondent no.1 dated 06.4.2023 (Annexure No.5).

II. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent Board to decide the representation/application dated 17.08.2023 (Annexure No.6)."

3. Sri Umesh Vats, learned counsel for the petitioner precisely submits that the father of the petitioner namely Mohd. Farooq was recorded Mutawalli of "Waqf Jama Masjid", Mansoorpur, Muzaffarnagar, which is registered in the record of U.P. Sunni Central Waqf Board, Lucknow at serial no.214. It is alleged that after the death of his father, the respondent no.3 was looking after the affairs of the Waqf but he did not submit any account of last 37 years either before the Waqf Board or before the Waqf Tribunal. The petitioner was appointed as Mutwalli of the said Waqf vide order dated 03.01.2022 and the certificate was issued on 05.01.2022. The petitioner has moved an application before the Waqf Board on 06.4.2023, whereupon an order was passed by the Chairman, U.P. Sunni Central Waqf Board for conducting an enquiry on the allegations made by the petitioner against the respondent no.3 in accordance with law but till date, proceeding has not been finalized inspite of best endeavour of the petitioner.

4. Sri Punit Kumar Gupta, learned counsel for the respondent nos.1 and 2 has no objection to the aforesaid prayer.

5. Considering the facts and circumstances and without expressing

any opinion on the merits of the case, the writ petition is disposed of with direction to the U.P. Sunni Central Waqf Board (respondent no.2) to finalize the enquiry, if it is still pending, within a period of six weeks from today and thereafter, the respondent no.1 may take final cognizance on the basis of the enquiry report.

Order Date :- 13.10.2023

RKP