

Court No. - 40

Case :- WRIT - C No. - 34771 of 2023

Petitioner :- Waqf N0. 668-Meerut Waqf Qabristan Kaman Garan

Respondent :- U.P. Sunni Central Board Of Waqf And 2 Others

Counsel for Petitioner :- Syed Ahmed Faizan, Sr.

Advocate, Zaheer Asghar

Counsel for Respondent :- Punit Kumar Gupta, Iqbal

Ahmad, Saleem Ahmad

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Shri S.F.A. Naqvi, learned Senior Advocate assisted by Shri Syed Ahmed Faizan, learned counsel for the petitioner and Shri Punit Kumar Gupta, learned counsel for U.P. Sunni Central Board of Waqf.

2. Petitioner, who is Committee of Management Waqf Qabristan Kaman Garan through its Secretary, is before this Court assailing the validity of order dated 28.08.2023 passed by the Chairman, U.P. Sunni Central Board of Waqf, Lucknow-respondent no.2, whereby, the committee of management has been superseded under Section 67(2) of the Waqf Act 1995 by the Committee of Management headed by respondent no.3., on the ground that the said action was in violation of principle of natural justice and dehorse to the relevant Acts and Rules.

3. Shri S.F.A. Naqvi, learned Senior Advocate placed reliance under Section 67(6) of the Waqf Act 1995 and submits that admittedly while passing the order impugned no notice or opportunity of hearing was accorded, therefore, the petitioner is bereft of forum and as such, this Court may come to the rescue and reprieve of the petitioner, otherwise he would suffer irreparable loss and injury.

4. The said claim is resisted by Shri Punit Kumar Gupta, learned counsel for respondent. In support of his submission, he has placed reliance on the proviso provided under Section 67(6) of the Waqf Act 1995, which provides that any member aggrieved by any order for his removal from the membership of the committee may prefer an appeal against such order to the Tribunal and as such, it is wrong to say that he is bereft of any forum.

5. Considering the facts and circumstances of the case, once efficacious alternative remedy is available to the petitioner under the proviso provided under Section 67(6) of the Waqf Act 1995, we are not inclined to adjudicate the matter under Article 226 of the Constitution of India. However, the petitioner is at liberty to approach the Tribunal concerned within three weeks assailing the validity of order impugned.

6. With these observations, the writ petition is ***disposed of***.

Order Date :- 2.12.2023

A. Pandey