

Court No. - 40

Case :- WRIT - C No. - 35409 of 2023

Petitioner :- Javed Haeider

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Pradhumn Kumar Pandey, Anoop Kumar Mishra

Counsel for Respondent :- C.S.C., S.M. Iqbal Hasan

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner as well as Sri S.M. Iqbal Hasan, learned counsel for respondent no.2-U.P. Shia Central Waqf Board and the learned Additional Chief Standing Counsel for the State-respondent no.1.

2. The grievance of the petitioner is that till date his application dated 03.03.2023 which was moved for appointment of Joint Mutawalli in the Waqf Mansabiya I 584, Meerut is pending consideration before the Chairman, Shia Central Waqf Board, UP, Lucknow.

3. The aforesaid prayer of the learned counsel for the petitioner has been resisted by Sri S.M. Iqbal Hasan, learned counsel appearing for respondent no.2-Shia Central Waqf Board on the ground that previously order dated 23.02.2023 which was passed for appointment of Mutawalli, the same was challenged before the Division Bench of this Court in Writ - C No.22189 of 2023 and the said writ petition was dismissed on the ground of availability of alternative remedy as provided under Section 83 of the Waqf Act, 1995. Learned counsel for the respondent further raises an objection that the petitioner may be relegated to the Tribunal for redressal of his grievance as the Mutawalli has already been appointed and in case, the petitioner is still aggrieved, he may press his grievance against the appointment order dated 23.02.2023 before appropriate forum.

4. Considering the objections so raised by the learned counsel for the respondents, we are not inclined to entertain the writ petition. Accordingly, the same is ***dismissed***.

5. Needless to say, it is open to the petitioner to challenge the order of appointment of Mutawali dated 23.02.2023 before appropriate Forum/Tribunal.

Order Date :- 21.11.2023

Prajapati