

Court No. - 3

Case :- WRIT - C No. - 27993 of 2021

Petitioner :- C/M Waqf No.74-94 Thru Pres.Haji Mohammad Aslam Qureshi Andors

Respondent :- State Of U.P.Thru Secy. Minority Welfare Waqf Lko And Ors.

Counsel for Petitioner :- Rakesh Kumar Chaudhary,Ajai Kumar,Mohammad Aslam Khan,S.M.Rashid,Vivek Kumar Rai

Counsel for Respondent :- C.S.C.,Farhan Habib,Minakshi Parihar,Rakesh Upadhayaya,Syed Aftab Ahmad,Syed Qamar Hasan Rizvi

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

1. Heard learned counsel for parties.
2. A preliminary objection is raised by learned counsel for respondent nos.5, 6, 7 and also respondent no.2-U.P. Sunni Central Waqf Board that the petitioners have an alternative remedy of approaching the Tribunal by way of an appeal under Section 67(4) of the Waqf Act.
3. Learned counsel for petitioners states that the matter is old and should be decided expeditiously to which, learned counsel for respondents have no objection.
4. In view thereof, petitioners are permitted to file an appeal under Section 67(4) of the Waqf Act and in case such an appeal is filed, the same shall be considered and decided by the Tribunal in accordance with law on merits after hearing all parties concerned within a period of four weeks from the date a certified copy of this order along with appeal is filed before the Tribunal. The appeal may be filed after serving an advance copy of the same upon respondent nos.2 to 7, who are appearing before this Court. The respondent nos.2 to 7 shall ensure their appearance before the Tribunal.
5. Since the order was under challenge before this Court throughout, hence, the appeal shall be considered on merits and shall not be rejected on grounds of delay.
6. With the aforesaid directions, present writ petition stands ***disposed of***.

[Manish Kumar,J.] [Vivek Chaudhary,J.]

Order Date :- 22.11.2023

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