

Court No. - 17

Case :- CIVIL REVISION No. - 73 of 2023

Revisionist :- Mohammad Shahid Abid

Opposite Party :- U.P. Shia Central Waqf Board Lucknow
Thru Chief Executive Officer And Ors.

Counsel for Revisionist :- Mohammad Ehtesham
Khan, Raghvendra P. Singh

Counsel for Opposite Party :- Syed Aftab Ahmad, Farhan
Habib

Hon'ble Alok Mathur, J.

1. Heard Sri M.E. Khan, learned counsel for revisionist as well as Sri Syed Aftab Ahmad on behalf of respondent Nos. 1 & 2 and Sri Farhan Habib, learned counsel for respondent No. 3.

2. In light of the proposed order, notice to respondent No. 4 is dispensed with.

3. By means of present revision, the revisionist has challenged the order dated 11.09.2023 passed by U.P. Waqf Tribunal, Lucknow thereby rejecting the application for interim relief preferred by the petitioner.

4. The facts in brief are that Nawab Huzur Bahu Sarir Ara Begum has created a Waqf Alal Aulad in the year 1967 in respect of certain properties for protection of Imambara, Masjid etc. by way a registered Waqf Deed dated 01.04.1868. The silent features in the said Waqf Deed were that the descendants /creator would be the Mutwalli of the said Waqf Alal Aulad and in case any of the descendants comes out to be incompetent to take forward the objects of the Waqf, he may be removed and a new Mutawali would be appointed in the manner prescribed by the Waqf deed by congregation to be made and appointment made thereafter in accordance to the wishes of the public. It seems that in 2000 on an application made to the Waqf Board the petitioner was appointed as the Mutawali of the said waqf. It is stated that the said appointment was only for a period of three years. The petitioner never moved any application for extension of his tenure but subsequently there were several allegations against running of the said Waqf Board and also with regard to the mismanagement. It has been alleged that the property of the Waqf has been demolished/fallen down due to dilapidated conditions which itself depicts that the property of the waqf has not been adequately protected by the revisionist who was the Mutawali and it is in the aforesaid circumstances on an

application made to the Waqf Board and after verifying the allegations against the petitioner, and after being prima facie satisfied about the allegations against the petitioner, an order was passed on 14.12.2021 appointing a Committee for looking after the management of the Waqf Board. The said Committee was to be headed by respondent No. 4 and had total of 8 persons.

5. Petitioner being aggrieved by the said order dated 14.12.2021 has moved a waqf case before the U.P. Waqf Tribunal which was registered as Case No. 78 of 2022. In the said case, an application for interim relief was also made for staying the operations of the Board dated 14.12.2021 and for permitting the petitioner to continue as Mutawali of the said Waqf during pendency of the said case. The Waqf Tribunal by means of impugned order has rejected the contention of the petitioner.

6. It has been held that prima facie the petitioner himself was responsible for not managing the properties of the Waqf and there were also substantial allegations with regard to mismanagement of the said waqf. It was also impressed by the arguments that the tenure of the petitioner was only for 3 years which came to end in 2003 and there was no application for extension.

7. After arguing at some length, learned counsel for petitioner has submitted that the grievance of the petitioner shall be substantially redressed in case Waqf Tribunal is directed to conclude the proceedings of case No. 78 of 2022 expeditiously and further submits that during pendency of the said case, the Committee as appointed by the Waqf Board may be directed to protect the property of the Waqf and maintain an account in discharge of the duties as such.

8. With regard to the limited prayer made by learned counsel for petitioner, learned counsel for respondents do not object to the same.

9. In light of the above and with the consent of the parties, this writ petition is disposed of with direction that the U.P. Waqf Tribunal to proceed to consider and decide the Waqf Case No. 78 of 2022 (Mohd. Sahid Aabid Vs. Uttar Pradesh Shia Central Waqf Board) expeditiously, say, within a period of six months from today, if possible, in case there is no other legal impediment.

10. The parties who are present in Court have undertaken to

cooperate in the said proceedings and will not take any unnecessary adjournments. In case the matter cannot be decided within the time prescribed, a written order shall be passed by the Tribunal indicating reasons for the same. The Committee as created by the order of the Waqf Board dated 14.12.2021 shall continue to function but shall not take any major decision with regard to the property of the Waqf and will keep a day to day account of their expenses and income in relation to the said Waqf and file their monthly statements before the Tribunal.

11. It is made clear that the said order shall not effect the tenancy of the property.

(Alok Mathur, J.)

Order Date :- 2.11.2023

Ravi/