

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7888 of 1995**

=====

Noor Mohammad son of Late Walayat Mian, resident of village Baruna,  
P.O and P.S. Surajpur, District Rohtas.

.... .... Petitioner/s

Versus

1.State of Bihar.  
2.The Bihar State Sunni Wakf Board through its Chairman, Gulabbagh,  
Patna-4.  
3.Chairman, Bihar State Sunni Wakf Board, Gulabbagh, Patna-4.  
4.Secretary, Bihar State Sunni Wakf Board, Gulabbagh, Patna-4  
.....Respondent 1<sup>st</sup> Set.

5.Taiyab Mian.

6.Zahur Mian.

7.Hasan Mian.

8.Abbas Mian

Sons of late Ghughru Mian.

9.Sabir Mian son of Tahir Mian, resident of village Baruna, P.O. and P.S.  
Surajpur, District Rohtas.

.....respondents 2<sup>nd</sup> set.

10.Baijnath Sharma son of Chhedi Lohar, Resident of Village Baruna, P.O.  
and P.S. Surajpur, District Rohtas.

11.Smt. Shanti Devi wife of Uma Shankar Prasad, resident of village  
Baruna, P.O. and P.S. Surajpur, District Rohtas.

.....Respondents 3<sup>rd</sup> Set.

=====

**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL JUDGMENT**

9      28-01-2015              Heard learned counsel for the parties.

Having regard to the fact that the impugned order  
is capable of being assailed before the WAKF Tribunal,  
this court would allow the prayer of learned counsel for  
the petitioner to withdraw this application in order to  
enable the petitioner to file his appeal before the WAKF  
Tribunal.

It is made clear that if the petitioner files his appeal within a period of 30 days from today, the Tribunal shall decide the matter on merits without non suiting the petitioner on the ground of delay/limitation, if any, keeping in view that this writ application had remained pending since, 22.09.1995.

(Mihir Kumar Jha, J)

Ranjan/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|