

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15516 of 2014

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1. Arun Singh, Son of Sri Chandra Shekhar Prasad Singh, resident of Mohalla-
Bharawpar Murarpur, Biharsharif, Police Station- Laheri in the district of Nalanda

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department,
Government of Bihar, Patna
2. The Principal Secretary, Revenue Department, Government of Bihar, Patna
3. The Home Secretary, Department of Home, Government of Bihar, Patna
4. The District Magistrate-cum-Collector, Nalanda
5. The Sub-Divisional Officer, Nalanda at Biharsharif
6. The Circle Officer, Biharsharif in the district of Nalanda
7. Sanjay Yadav, Son of Late Bijendra Gope
8. Arun Mahto, Son of Late Pachu Mahto
9. Bhola Sao, Son of Late Jagdish Sao
10. Garvu Yadav, Son of Tikar Yadav
11. Sumitra Devi, Wife of Harischandra Ravidas
12. Yadu Prasad, Son of Late Bhikhan Prasad
13. Md. Naushad Alam
14. Md. Irshad Alam, Both are Sons of Late Ushman Gani.
All resident of Mohalla- Puna Sarai, P.S.- Laheri in the district of Nalanda

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Respondent/s : Mr. AAG10- P.N.SHAHI

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 22-06-2015

This writ petition is filed with a prayer to direct

the respondents 1 to 6 herein to remove the encroachments

said to have been made by respondents 7 to 14 on the land

bearing Khata No.185, Plot No.208, Thana No.123, Mauza-

Kona Sarai of Nalanda district.

It is stated that the land in question was earmarked as a graveyard and on account of the lapse on part of the officials of the Government, respondents 7 to 14 have encroached the land and constructed houses.

Heard learned counsel for the petitioner and learned counsel for the respondents.

On the face of it, the writ petition is not maintainable. Firstly it is the duty of the concerned Mutawalli or the Managing Committee of Wakf to protect its properties. The petitioner is neither a Mutballi nor a member of the Wakf Board. Secondly, The Wakf Act prescribes specific procedure for protection of the Wakf property. Thirdly, disputed questions of title need to be examined before any specific order for eviction is passed.

Therefore, we dismiss the writ petition.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

K.C.jha/-

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