

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6735 of 2013

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Md. Rahbar Son Of Late Md. Yaquooob Resident Of Village And P.O.
Hussaina, P.S. Ballia, District – Begusarai Petitioner

Versus

1. The State Of Bihar
 2. The Sub - Divisional Officer, Ballia, P.S. Ballia, District -Begusarai
 3. The Bihar State Sunni Wakfboard, Patna Through Its Chief Executive Officer Haj Bhawan, 34 Ali Imam Patna (Hardig Road) Patna - 1
 4. The Chairman, Bihar State Sunni Wakf Board, Patna Haj Bhawan, 34 Ali Imam Patna (Hardig Road) Patna - 1
 5. The Chief Executive Officer, Bihar State Sunni Wakf Board, Patna Haj Bhawan, 34 Ali Imam Patna (Hardig Road) Patna - 1
 6. The Managing Committee Of The Wakf No. 1027, Jama Masjid, Ballia, P.S. Ballia, District - Begusarai Through Its President
 7. Md. Taslim, The Secretary Of The Scretary Of The So - Called Managing Committee Of Jamma Masjid No. 1027 Resident Of Ballia Bazar, P.S. Ballia, District - Begusarai Respondent/s
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Appearance :

For the Petitioner/s : Mr. Md.Rashid Alam, Advocate
For the Respondent/s : Mr. T.Khan, AC to SC 12

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 24-07-2015 The petitioner prays for quashing Memo no.110 dated 24.1.2013, passed by the Chief Executive Officer, Bihar State Sunni Wakf Board, Patna by which he has been directed to remove the encroachment under section 54 of the Wakf Act, 1995 as he was in illegal possession of a rental shop, namely, Shop no.31, Jama Masjid, Balia.

Learned counsel for the petitioner submits that the order is without jurisdiction in view of amended provisions of the Wakf Act. He submits that the order in question has been passed subsequent to amendment.

Learned counsel for the respondents submits that in any view of the matter there is remedy of appeal before the Tribunal.

The writ petition is disposed of with direction to the petitioner to take resort to appeal.

Needless to state that the delay in filing appeal would be considered sympathetically as the petitioner was pursuing the remedy before this Court.

(Samarendra Pratap Singh, J)

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