

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12061 of 2013

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1. Bibi Abda Khatoon, wife of Late Abdur Rahman,
2. Sohail Ahmad, Son of Late Md. Aiyub And Late Sayeeda Khan
3. Kafil Ahmad, Son of Abdul Majeed
4. Ozair Ahmad, Son of Abdul Majeed
All resident of Village - Janipur, P.S. Jale, District - Madhubani
.... Petitioners

Versus

1. The State of Bihar
2. The Bihar State Sunni Wakf Board, through its Chief Executive Officer,
34, Ali Imam Path (Harding Road), Patna
3. Sri Imteyaz Ahmad Karimi, father's name not known to the petitioners,
Presently Chief Executive Officer, Bihar State Sunni Wakf Board, 34,
Ali Imam Patn (Harding Road), Patna
4. D.S.L.R. , Darbhanga Sadar, Darbhanga
5. Collector, Darbhanga

.... Respondents

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr. Jagjit Roshan, Advocate
: Kuber Pathak, AC to SC-14

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

7 24-07-2015

No one appears on behalf of the petitioners.

The petitioners seek quashing of the order dated 15.04.2013 passed by respondent no.3.

The petitioners have challenged the impugned order on more than two grounds. They submit that the impugned order has been passed without giving an opportunity of hearing. Furthermore, respondent no.3 has no jurisdiction to remove Mutawali under Section 64 read with Section 71 of the Act.

This Court by order dated 29.08.2013 asked the

counsel for the Board to specifically meet the pleadings made in paragraph 23 of the writ application. There is no pleading controverting the aforesaid scheme.

Counsel for the Board submits that the petitioners may approach the Board by way of alternative remedy under Section 85 of the Wakf Act, 1995.

As this Court in the earlier order had asked the Board to make a statement with respect to the assertion of the petitioners whether any opportunity of hearing to the petitioners were given or not, and as no definite answer has come, the impugned order passed by respondent no.3 is set aside on this ground alone. However, liberty is granted to respondent no.3 to proceed afresh after issuance of notice to the petitioners.

This writ application stands disposed of.

(Samarendra Pratap Singh, J.)

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