

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10948 of 2010

=====

The Managing Committee, Yateem Khana, Anjuman Khademul Islam, Patna City, Patna through its President namely Dr. Ahmad Abdul Hai S/O Late Dr. Ahmad Hai R/O Exhibition Road, P.S.- Gandhi Maidan, Distt.- Patna, Office Situated at Kashmiri Koth, Patna City, Distt.- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Sunni Wakf Board through Chief Executive Officer 34, Haj Bhawan, 2nd Floor, Harding Road, Patna
3. The Chairman, Bihar State Sunni Wakf Board 34, Haj Bhawan, 2nd Floor, Harding Road, Patna
4. The Chief Executive Officer 34, Haj Bhawan, 2nd Floor, Harding Road, Patna
5. Janab Kamaluz Zaffar S/O Late Md. Wasiuddin Sharfi New Colony, Digha Ghat, Patna
6. Janab Sharique Ajaypuri S/O Late Ahmad Ali Kumhar Toli, Madarsa Gali, Chriyatand, Patna
7. Janab Syed Shah Monawar Hassan S/O Late Syed Shah Ahmad Hasan Naya Kakan, Lodi Katra, Patna City, Patna-800 008
8. Janab Arshad Jameel Ahmad S/O Late Syed Md. Numan Numan Chamber, Bhikhna Pahari, Patna-800 004
9. Janab S.M. Irshad Alam S/O Janab Abdus Shakoor Shahganj, Patna-800 004
10. Janab Shah Reza S/O Anwar Ali Khan Y.K. Home Solution, Shamanpura, Raja Bazar, Patna
11. Janab Md. Tajuddin S/O Md. Haroon Rasheed Shah-Ki-Imli, Patna City, Patna-800 008

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Chitranjan Sinha, Sr. Adv.
Mr. Khatim Raza

For the Respondent No.1: Mr. Anjani Kumar, AAG-VI
Mr. Sanjay Kumar, AC to AAG-VI

For the Respondent No.2 to 4: Mr. Rashid Izhar

For the Respondent No. 5 to 11: Mr. Abinash Kumar

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 05-02-2015

Heard the parties.

2. The petitioner has filed the present writ petition under Article 226 of the Constitution of India originally assailing the validity and correctness of office order dated 08.07.2010 (Annexure-1) passed by the respondent- Chief Executive Officer of the Bihar State Sunni Wakf Board (In short “the respondent-Board”) whereby a

Managing Committee of 7 persons for better management of Yateem Khana, Anjuman Khademul Islam, Wakf Estate No. 25, Kashmiri Kothi, Patna City, was constituted. By the aforesaid office order itself the life of the committee was fixed for three years.

3. It appears that subsequently the aforesaid office order dated 08.07.2010 (Annexure-1) was modified on account of certain technical defects in the aforesaid order. The respondent-Board is said to have reconsidered the matter and recalled the previous order. In above view of the matter the respondent-Board issued fresh order as contained in Memo no. 1306 dated 17.08.2010 granting approval of the previous Managing Committee, but with a modification that the aforesaid committee will be functioning only with respect to Wakf Estate No. 25 and 2525/25. However, the life of the committee was again fixed only for three years.

4. In view of the aforesaid developments, the petitioner filed I.A. No. 7574 of 2010 seeking amendment in the writ petition and seeking permission of this Court to assail the validity and correctness of the aforesaid order dated 17.08.2010 issued under the signature of the respondent Chief Executive Officer of the Board, which has been brought on the record as Annexure-8 to the aforesaid interlocutory application.

5. This matter was heard earlier on 27.08.2010 by a Bench of this Court [Coram: Sheema Ali Khan, J, since deceased]. By the aforesaid order dated 27.08.2010 the respondent-Board and its functionaries were directed to file their counter-affidavit. However, in the meantime, the operation of the order as contained in Annexure-8 or any other consequential order in lieu of Annexure-8 was directed to remain stayed.

6. Learned senior counsel appearing on behalf of the petitioner has raised various points with respect to validity and correctness of the impugned original order, as contained in Annexure-1

as also the modified impugned order as contained in Annexure-8. However, he has not been able to dispute that the period of three years, which was the life fixed for those committee is already over.

7. Learned counsel appearing on behalf of the Board and its functionaries as also the learned counsel appearing on behalf of the private respondents have also raised various points in support of the aforesaid two orders, but they also could not dispute that the life of the impugned orders, as contained in Annexure-1 as also Annexure-8 is over.

8. After having heard the parties and taking into consideration the materials available on the record, this Court finds that, in fact, the present writ petition has become infructuous in view of the expiry of the life of the committee, so constituted by the respondent Board by orders as contained in Annexure-1 and 8. Therefore, this Court is not inclined to go into merits on any other issues with respect to wakf properties mentioned in the aforesaid impugned orders.

9. In the result, the writ petition stands disposed of as infructuous. The parties shall be at liberty to raise all the issues of facts and law which are available to them in any other appropriate proceeding before an appropriate Forum/Court. If such a proceeding is brought by either side, then the same shall be gone into on its own merit without being prejudiced by the present order.

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--