

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 847 of 2015**

- Pranjatani Shia Society A Society Under The Societies Act, 1960, Having Its Registered Officer Beside Dr. Mehta Clinic Masanganj Bilaspur, Chhattisgarh, Through Its Signatory Authorization N.H. Sussaini, Aged About 57 Years, S/o Late Qamar Hasan Hussaini, At Present R/o A-35, Ramalife City, Sakri, Chowki : Sakri, Police Station: Chakarbhata, Post Sakri, Tehsil : Sakri, District : Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through : The Secretary, Department of Miniority Affair, Zero Point, New Mantralaya, P.S. Mandir Hasaud, Naya Raipur, Chhattisgarh.
2. Chief Executive Officer, Wakf Board, Chhattisgarh State Wakf Board, C-12, Sector- 3, Devendra Nagar, Raipur.
3. The Collector, District : Bilaspur, Office of Collector, Near Nehru Chowk, Tehsil & District : Bilaspur, Chhattisgarh.
4. Mutawalli Sunni Sect, Masanganj Masjid, Beside Dr. Mehta Clinic Masanganj, Tehsil & District : Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Rakesh Sahu, Advocate
For Respondent-State	:	Shri Avinash Singh, PL for the State
For Respondents No.2 & 3:	:	Shri Prateek Sharma, Advocate
For Respondent No.4	:	Shri Surfraj Khan, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****26/10/2015**

1. Petitioner, a Shia Society, is claiming customary right over the Masanganj Masjid, Bilaspur. On an earlier occasion some members of the Shia Society had instituted a suit before the Wakf Tribunal, which was dismissed on 11-11-2008. Challenging the said order, a revision application bearing Civil Revision No.17/2009 was preferred under Section 83 (9) of the Wakf Act,

1995. The said representation has been dismissed by this Court by a detailed order dated 27.02.2015. In para 36 of the order, this Court has observed that the subject property was declared to be Sunni Wakf property under the Wakf Act, 1954. Before such declaration, objections were invited by publishing notification under the official gazette.

2. The order passed by this Court in proceedings under the Wakf Act would operate *res judicata*, therefore, the writ petition is not maintainable. It is accordingly dismissed as not maintainable.

Sd/-

Judge
Prashant Kumar Mishra

ashu