

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1350 of 2016**

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Ashok Kumar

.... Appellant/s

Versus

The Bihar State Sunni Wakf Board & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dudh Nath Singh

For the Respondent/s : Mr. Rashid Izhar

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 15-12-2016

Heard the learned counsel for the petitioner.

It appears that the petitioner is challenging the order dated 02.05.2013 passed in Title Eviction Suit No.95 of 2009 by the Bihar Wakf Tribunal, Patna whereby the Tribunal has decreed the suit in favour of the plaintiffs-respondents with cost.

Section 83 proviso to sub-section (9) of the Wakf Act, 1995 provides that a High Court may, on its own motion or on the application of the Board or any person aggrieved, call for and examine the records relating to any dispute, question or other matter which has been determined by the Tribunal for the purpose of satisfying itself as to the correctness, legality or propriety of such determination and may confirm, reverse or modify such determination or pass such other order as it may think fit. Sub-section (5) provides that the Tribunal shall be deemed to be a Civil Court and sub-section (7) provides that the decision of the



Tribunal shall be final and have the force of a decree made by a Civil Court.

In view of this provision, the order under challenge is a decree made by a Civil Court but since there is a bar of appeal as provided under sub-section (9) of Section 83, the High Court can exercise revisional jurisdiction only.

Thus, the application under Article 227 of the Constitution of India is not maintainable. The petitioner, therefore, may convert this Civil Miscellaneous application to a Civil Revision application within 6th of January, 2017.

(Mungeshwar Sahoo, J)

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