

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1849 of 2015

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1. Md. Idrish Khan Son of Md. Yusuf, Resident of Chowk Sikarpur, P.S-
Chowk, Patna City, District - Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Minority, Welfare and Waqf, Govt. of Bihar,
Patna.
4. The Divisional Commissioner, Patna Division, Patna.
5. The District Magistrate, Patna.
6. The Chairman, Bihar State Sunni Waqf Board, Haj Bhawan, Patna.
7. The Commissioner, Patna Municipal Corporation, Patna.
8. The Chief Executive Officer, Bihar State Sunni Waqf Board, Haj
Bhawan, Patna.
9. The Sub-Divisional Officer, Patna City, Patna.
10. The SHO, Chowk Police Station, Patna City.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. S.K.Singh, Advocate
Mr. Sanjay Kumar, Advocate
For the Respondent Wakf Board: Mr. Rashid Izhar, Advocate
For the Respondent State : Mr. Ashok Kumar Keshari, AAG-11
For the Municipal Corporation: Mr. Sanjay Prakash Verma, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

6 29-04-2016 Heard Mr. S.K.Singh, learned Counsel for the petitioner,

and Mr. Rashid Izhar, learned Counsel for the Waqf Board. Heard

also Mr. Ashok Kumar Keshari, learned Additional Advocate

General No. 11, appearing for the State respondents, and Mr.

Sanjay Prakash Verma, learned Counsel for the respondent

Municipal Corporation.



By filing supplementary counter affidavit on behalf of respondent No.6, namely, the Chairman, Bihar State Sunni Waqf Board, Haj Bhawan, Patna, and respondent No.8, namely, the Chief Executive Officer, Bihar State Sunni Waqf Board, Haj Bhawan, Patna, respectively, they have brought on record the developments, which have taken place subsequent to filing of this writ petition, made under Article 226 of the Constitution of India, in the form of Public Interest Litigation, alleging encroachment over the land belonging to Data Nuruddin Sah Wakf Estate, bearing Waqf No. 1427, situated at Chowk Shikarpur, Patna City.

It transpires from the supplementary counter affidavit that the respondent No.8, namely, the Chief Executive Officer, Bihar State Sunni Waqf Board, upon hearing both the parties, passed an order, dated 26.04.2016, declaring the illegal occupant of the Waqf property as encroacher. It further transpires that respondent No.8, namely, the Chief Executive Officer, Bihar State Sunni Waqf Board, by its order, dated 26.04.2016, has also requested the Bihar Wakf Tribunal for issuance of Eviction Order against the said encroacher under Sections 54(3) and (4) of the Waqf Act, 1995.

In view of the fact that the action, as warranted by law, has already been taken by the respondents concerned, we close

this proceeding with liberty granted to the petitioner to approach this Court with appropriate application, in future, if so advised, and/or to take recourse to such provisions of law, if and when such a situation arises, bringing on record necessary materials, if any, which may be relevant.

With such observations and directions, this writ application stands disposed of.

(I.A. Ansari, ACJ)

(Nilu Agrawal, J)

A.I./-

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