

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9793 of 2014

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Mohamad Tanweeruddin Son of Late Tajuddin Resident of Mohalla- Banglappar,
Ahiyapur, P.O AND P.S Sheikhpora, District- Sheikhpora.

.... Petitioner/s

Versus

1. Md. Shamim Ahmad Son of Late Vakil Ahmad.
2. Md. Naseem Ahmad Son of Late Vakil Ahmad.
3. Mainama Khatoon Wife of Late Md. Aquil Ahmad.
4. Shakeel Ahmad Son of Late Md. Aquil Ahmad.
5. Sajid Ahmad son of Late Md. Aquil Ahmad
6. Rasid Ahmad Son of Late Md. Aquil Ahmad.
7. Ramdeo Yadav Son of Late Sitaram Yadav All residents of Mohalla- Lalbag,
Ahiyapur, P.O AND P.S- Sheikhpora, District- Sheikhpora.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 17-05-2016

V.Nath, J.

Heard the learned counsel for the petitioner.

Calling in question the impugned order by which the learned court below has transferred the suit to the Wakf Board under the provisions of Section 7 and 85 of the Wakf Act, the present application under Article 227 of the Constitution of India has been filed praying for quashing of the said order.

It is apparent from the materials on record that the plaintiff has himself accepted in the plaint that the suit property is a Wakf property. The plaintiff filed the suit claiming against the Bazidava with regard to the said property stating that by the said

Bazidava no right has been conferred upon the defendant Sita Ram Yadav except the right to manage and cultivate the Wakf properties and distribute the produce in accordance with the terms thereof. The petition therefore has been filed on behalf of the defendant for transferring the suit to the Wakf Board under the provisions of Section 85 of the Wakf Act 1996. The learned court below by the impugned order has allowed the prayer on behalf of the defendant.

After considering the submissions and the materials on record, it is manifest that it is the own case of the plaintiff the suit property is Wakf property and in that view of the matter the plaintiff-petitioner cannot escape the effect of the provision of Section 85 of the Wakf Act 1996. This Court, therefore, is not inclined to interfere with the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
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