

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5677 of 2016

Naoshad Azim, s/o Late md. Zafar Raza, resident of village-Akbarpur, PO- Rajhat, PS-Akbarpur, District-Nawada

.... Petitioner

Versus

1. The Bihar State Sunni Wakf Board through its chairman 34, Harding Road, Patna (Bihar).
2. The Chief Executive Officer, Bihar State Sunni Wakf Board 34, Harding Road, Patna (Bihar).
3. The Secretary, Jama Masjid, Akbarpur (Wakf) No. 1278, PO Rajhat, PS-Akbarpur, District- Nawada.
4. The President, Jama Masjid Akbarpur (Wakf) No. 1278 PO- Rajhat, PS-Akbarpur, District-Nawada.
5. Md. Zafir Uddin, son of late Edrish Miyan,
6. Md.Eshrael, son of late Molbi Abdul Gafar,
7. Naoshad Raeen, son of late Gafoor Gabzi Faroz,
8. Md. Nesar Uddin, son of Late Baudhu Miyan,
9. Md. Nasim Uddin, son of Late Aiyasin Miyan,
10. Akhtar Hussain
11. Ainulhaque, both sons of Md. Hanif Miyan,
12. All are residents of village-Akbarpur, PO Rajhat, PS- Akbarpur, District-Nawada.

.... Respondents

Appearance :

For the Petitioner : Mr. Pramod Kumar Sinha, Advocate
For the Wakf Board : Mr. Rashid Izhar, Advocate
: Mr. Tabish Sharfuddin, Advocate

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 06-04-2016

Heard parties

It is contended on behalf of the petitioner that he was a tenant in the premises of the Jama Masjid Akbarpur (Wakf) and was running a shop. In the month of February 2014, the landlord, i.e., committee of Wakf requested to all the eight tenants including the petitioner to hand over the keys of the shop so that reconstruction could be done. The Managing Committed had given assurance that, after reconstruction, the shop would be redelivered to the tenants. It is

contended that out of eight persons, shops have been given to seven persons only excluding the petitioner. It is clear case of discrimination. Petitioner is ready to abide by the terms and conditions, upon which, the seven persons were given the shops.

Mr. Rashid Izhar appearing for the Sunni Wakf Board has drawn the attention of this Court to Section 83 of Wakf Act, 1995 and submits that a tribunal has already been constituted for determination of any dispute or question raising out of the Wakf Board and thus the petitioner is required to move before the Wakf Tribunal constituted for the purpose of redressal of his grievance.

On such contention having been made on behalf of the Wakf Board, learned counsel for the petitioner seeks liberty to move before the Tribunal concerned.

Liberty is granted.

The petitioner, if so advised, would be at liberty to approach the Tribunal concerned for redressal of his grievance.

Accordingly, this writ petition stands disposed of.

(Dr. Ravi Ranjan, J.)

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