

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18912 of 2014

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Ejazul Haque

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

Mr. Shakib Ayaz, Advocate

For the Respondents State : Mr. Gautam Bose, AAG-8

For the Respondent Nos.11 and 12: Mr. Chitranjan Sinha, Senior Advocate

For the Respondent Nos.13 and 14: Mr. Manoj Kumar

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE NAVANITI PRASAD

SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

6 10-05-2016 Heard Mr. Arun Kumar, learned Counsel for the petitioner, and Mr. Gautam Bose, learned Additional Advocate General No. 8, appearing for the State respondents. Heard also Mr. Chitranjan Sinha, learned Senior Counsel for the respondent Nos. 11 and 12, and Mr. Manoj Kumar, learned Counsel for the respondent Nos. 13 and 14.

In view of the fact that this writ petition, which has been filed under Article 226 of the Constitution of India, in the form of Public Interest Litigation, raises disputed questions of fact, we are clearly of the view that the recourse to proceeding, under Article 226 of the Constitution of India, is not at all sustainable in such a case and the parties, particularly, the petitioner shall, if so advised,

take recourse to appropriate provisions of law including making application to the Bihar State Sunni Waqf Board, Bihar, and/or filing of the suit in a Court of competent jurisdiction, provided that the suit is maintainable.

With such observations, this writ petition is disposed of.

(I.A. Ansari, ACJ)

(Navaniti Prasad Singh, J)

A.I./-

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