

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2222 of 2015

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1. Karnal Hussain S/o Syed Muzaffar Hussain R/o Muhallah Kamra, P.S. Nagar, District Muzaffarpur.
 2. Alamdar Hussain S/o Late Tasalim Hussain R/o Chandwara, hazam Toli, P.S. Nagar, District Muzaffarpur.
 3. Syed Aquil Haider S/o Late Samad Pyare Haider Chandwara Hazam Toli, P.S. Nagar, District Muzaffarpur.
 4. Iftekhhar Ali S/o Khaza Shakir Hussain R/o Khaza Shakir Hussain, R/o Bindeshwari Comound , Azad Road, P.S. Nagar, District Muzaffarpur.
 5. Ali Hussain S/o Razzu Hussain R/o Kamra, O.P., Banaras Bank Chowk, P.S. Nagar, District Muzaffarpur.
 6. Mohsin S/o Late Pyare Haider R/o Hazam Toli, Chandwara, P.S. Nagar, District Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Welfare of Minority, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Homes, Govt. of Bihar, Patna.
4. The District Magistrate, Muzaffarpur.
5. The S.D.O. (East) Muzaffarpur.
6. The Senior Superintendent of Police, Muzaffarpur.
7. The Chairman, Bihar State Siya Wakf Board, Haz Bhawan, 34, Ali Imam Path, Harding Road, Patna-1.
8. The Chief Executive Officer, Bihar State Siya Wakf Board, Haz Bhawan, 34, Ali Imam Path Harding Road, Patna-1.

.... Respondents

With

Civil Writ Jurisdiction Case No.21273 of 2014

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Syed Abid Asgar S/o Late S. Asgar Hussain R/o Mohalla- Kamra, P.S. - Town , District - Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through The Chief Secretary, Govt. Of Bihar, Patna.
2. The Principal Secretary, Department of Welfare Of Minority, Govt. Of Bihar, Patna.
3. The Principal Secretary, Department of Homes , Govt. Of Bihar, Patna.
4. The District Magistrate, Muzaffarpur.
5. The S.D.O. (East) , Muzaffarpur
6. The Chairman, Bihar State Siya Wakf Board, Haz Bhawan ,34, Ali Imam Path, Harding Road , Patna-1
7. The Senior Superintendent of Police, Muzaffarpur.
8. The Chief Executive Officer, Bihar State Siya Wakf Board, Haz Bhawan,34, Ali Imam Path, Harding Road, Patna - 1
9. Syed Mohd. Shabib Kazim S/o Late S. M. Kazim R/o Opposite Chandwara Teaching Training School, Chandwara, Muzaffarpur.
10. Syed Safdar Jafri S/o Late S. Akhtar Hussain Jafri R/o Mohalla- Kamra, P.S. - Town , District - Muzaffarpur.

11. Syed Nazeir Hussain S/o Late Mohd. Hussani, R/o Mohalla- Kamra,
P.S. - Town , District - Muzaffarpur.

.... Respondents

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With

Civil Writ Jurisdiction Case No.12340 of 2015

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Syed Mohammed Kazim@ Syed Md. Kazim son of Late Syed Murtuza
Kazim, resident of At- Nawab Road Chandwara, P.S.- Town P.S., District-
Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
2. The Home Secretary, Government of Bihar, Patna
3. The Bihar State Shia Waqf Board through its Chairman
4. The Chief Executive Officer, Bihar State Shia Waqf Board, Patna

.... Respondents

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Appearance :

(In CWJC No.2222 of 2015)

For the Petitioners : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent State: Mr. Ashok Kumar Keshri, AAG-11
Ms. Shilpi Keshri, AC to AAG-11

(In CWJC No.21273 of 2014)

For the Petitioner : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent State: Mr. R.R.K. Pandey, SC-29

(In CWJC No.12340 of 2015)

For the Petitioner : Mr. Md. Shamimul Hoda, Advocate
For the Respondent State: Mr. Rajiv Roy, GP-5
For the Waqf Board (In all cases) : Mr. Syed Asgar Najmi, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

9 29-01-2016 Heard Mr. Shashi Bhushan Kumar, learned Counsel,

appearing for the petitioner(s) in C.W.J.C. Nos. 2222 of 2015 and

21273 of 2014, and Mr. Ashok Kumar Keshri, learned Additional

Advocate General No.11, appearing for the State respondents in

C.W.J.C. No. 2222 of 2015. Heard also Mr. R.R.K. Pandey,

learned Standing Counsel No.29, appearing for the State

respondents in C.W.J.C. No. 21273 of 2014, and Mr. Syed Asghar Najmi, learned Counsel, appearing for the respondent Waqf Board in all cases. Heard also Mr. Md. Shamimul Hoda, learned Counsel, appearing for the petitioner in C.W.J.C. No. 12340 of 2015, and Mr. Rajiv Roy, learned Government Pleader No.5, appearing for the State respondents.

Mr. Syed Asghar Najmi, learned Counsel, appearing for the respondent Waqf Board, has placed on record a copy of the application, filed before the Bihar State Waqf Tribunal, made under Section 54(3) of the Waqf Amendment Act, 2013, for removal of encroachment from Waqf property, by giving the names of two alleged encroachers, namely, Syed Safdar Hussain Jafri and Syed Nazeer Hussain. The application aforementioned has been registered as Eviction Application No. 01 of 2016.

In view of the above, it becomes clear that it is, now, for the Bihar State Waqf Tribunal to do the needful in accordance with law.

These writ petitions, which have been, made under Article 226 of the Constitution of India, in the nature of Public Interest Litigation, are disposed of with direction to the Bihar State Waqf Tribunal to expeditiously deal with the matter and dispose of the Eviction Application No. 01 of 2016 within,

preferably, a period of four months from the date of receipt of a copy of this order by the Tribunal.



(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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