

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.1821 of 2015**

Shahid Ahmad Rajjan S/o Marhooj Haji Sabbir Ahmad, Aged About 45 Years
Member, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg
(Chhattisgarh),

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Revenue Department,
Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh),
2. Registrar-Cum- S D O, Revenue, Under Public Trust Act, Durg (Chhattisgarh),
3. Bhilai Nagar Masjid Trust, Registered Under Public Trust Act, Through : The
Said President M. R. Ansari Son Of Late Ishaque Ansari, Bhilai Masjid Trust,
R/o. 27 M I G Hudco, Bhilai, Tahsil And District Durg (Chhattisgarh),
4. Alhaj Hammidullah Siddiqui, Vice President, Bhilai Masjid Trust, Sector- 6,
Bhilai, Tahsil And District Durg (Chhattisgarh),
5. Mirja Asim Beg S/o Late W. Beg, Vice President, Bhilai Masjid Trust, Sector- 6,
Bhilai, Tahsil And District Durg (Chhattisgarh),
6. Abdul Sabhad Qureshi, Vice President, Bhilai Masjid Trust, Sector- 6, Bhilai,
Tahsil And District Durg (Chhattisgarh),
7. Julfikar Ahmad, Vice President, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And
District Durg (Chhattisgarh),
8. Nizamuddin, Vice President, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And
District Durg (Chhattisgarh),
9. Maksud Bhai (Bachcha Bhai), Vice President, Bhilai Masjid Trust, Sector- 6,
Bhilai, Tahsil And District Durg (Chhattisgarh),
10. Jamil Ahmad S/o Mohd. Ishaque, Secretary, Bhilai Masjid Trust, R/o. 6- A,
Street N P A, Sector - 5, Bhilai, Tahsil And District Durg (Chhattisgarh),
11. Alhaj Ajajuddin Soni S/o Haji Samsuddin, Joint Secretary, Bhilai Masjid Trust,
Sundar Nagar, Near Ayappa Nagar, Near Faloknuma Masjid, Bhilai, Tahsil And
District Durg (Chhattisgarh)
12. Abdul Jakir Khan, Joint Secretary, Bhilai Masjid Trust, Sector-6, Bhilai, Tahsil
And District Durg (Chhattisgarh)
13. Ibrahim Khan, Joint Secretary, Bhilai Masjid Trust, Sector-6, Bhilai, Tahsil And
District Durg (Chhattisgarh)
14. Vaji Ahmad, Joint Secretary, Bhilai Masjid Trust, R/o. 4-A, Street- 11, Sector- 5,
Bhilai, Tahsil And District Durg (Chhattisgarh)
15. Asharfulla Khan S/o Late Hamidulla Khan, Joint Secretary, Bhilai Masjid Trust,

- R/o. 19- D, Street 2, Sector- 1, Bhilai, Tahsil And District Durg (Chhattisgarh)
16. Sayyad Atif Ali S/o S. Hifajal Ali, Treasurer, Bhilai Masjid Trust, R/o. 2 R, Street No. 36, Sector - 6, Bhilai, Tahsil And District Durg (Chhattisgarh)
 17. Sayyad Hussain (Baba), Bhilai Masjid Trust, R/o. House No. 12 C, Street No. 33, Sector- 10, Bhilai, Tahsil And District Durg (Chhattisgarh),
 18. Noor Mohammad Siddiqui, Member, Bhilai Masjid Trust, Near Noori Masjid, Farid Nagar, Bhilai, Tahsil And District Durg (Chhattisgarh),
 19. Mirja Ashraf Beg, S/o Late W. Beg, Vice President, Bhilai Masjid Trust, R/o. 9/ 36 Ispat Nagar, Risali, Bhilai, Tahsil And District Durg (Chhattisgarh),
 20. Haji M. H. Siddiqui, Member, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg (Chhattisgarh),
 21. Fateh Mohammad, Member, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg (Chhattisgarh),
 22. Shahid Ahmad (Master), S/o Late Hamid Raja, Member, Bhilai Masjid Trust, R/o. 14- A, Street No. 23, Sector- 2, Bhilai, Tahsil And District Durg (Chhattisgarh),
 23. Ajhar Khan, Member, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg (Chhattisgarh),
 24. Tahur Pawar, Member, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg (Chhattisgarh),
 25. Jafar Javed, Member, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg (Chhattisgarh),
 26. Shamim Ahmad, Member, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg (Chhattisgarh),
 27. M. H. Ansari, Member, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg (Chhattisgarh),
 28. Mirja Rafique Beg, Member, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg (Chhattisgarh),
 29. S. J. Qureshi, Member, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg (Chhattisgarh),
 30. Iftekhhar (Pappu Bhai), Member, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg (Chhattisgarh),
 31. Mirja Arman Beg, Member, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg (Chhattisgarh),
 32. Iliyas Bhai, Member, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg (Chhattisgarh),
 33. Alim Siddiqui, Member, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg (Chhattisgarh),
 34. Abdul Hafij, Member, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg (Chhattisgarh),

35. Haji Abdul Kalam Raja, Organizer, Jashne Ed Miladunnabi Committee,
Chhattisgarh, Bhilai Masjid Trust, Sector- 6, Bhilai, Tahsil And District Durg
(Chhattisgarh),

36. Inam Mohammad Khan, Advocate, Through : Secretary District Bar Association,
Durg, District Court Durg (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri T. K. Tiwari, Advocate
For Respondent No.1 & 2	:	Shri Satish Gupta, Govt. Advocate
For Respondent No.3 to 36:	:	Smt. Fouzia Mirza, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/04/2016

Learned counsel for the respondents raised an objection that two cause of action has been clubbed in one petition.

2. Learned counsel for the petitioner seeks to withdraw the pleadings, grounds and relief under Clause 10.2 in so far as challenge to legality and validity of order dated 15-04-2015 (Annexure P-5) is concerned.

3. To that extent, the petitioner is permitted to withdraw the aforesaid claim with liberty to avail appropriate remedy as may be available to him under the law.

4. The petitioner, by this petition, has prayed for a direction to respondent No.2 to exercise power as vested in him under Section 13 to 22 under the Chhattisgarh Public Trust Act (In short "the Act") on the pleadings inter alia that the respondents No.3 to 36 are mismanaging the affairs of public trust and also committed various irregularities. It is the allegation of the petitioner that the trust is not being carried out in accordance with the object of the Act and several complaints have been made to the Registrar, but the Registrar is not taking any steps.

5. Learned counsel for respondents No.3 to 36 submits that the allegations are false and fabricated and there are no mismanagement in the affairs of the public trust.

6. Be that as it may, the provisions contained in Chhattisgarh Public Trust Act, 1951, provide comprehensive statutory scheme to deal with such kind of complaints.

7. Section 26 of the Act provides as below:-

Section 26 :- Application to Court for directions.--(1) If the Registrar, on the application of any person interested in the public trust or otherwise is satisfied that-

- (a) the original object of the public trust has failed;
- (b) the trust property is not being properly managed or administered; or
- (c) the direction of the court is necessary for the administration of the public trust;

he may after giving the working trustee an opportunity to be heard direct such trustee to apply to court for directions within the time specified by the Registrar.

(2) If the trustee so directed fails to make an application as required, or if there is no trustee of the public trust or if for any other reason, the Registrar considers it expedient to do so, he shall himself make an application to the court."

8. It is, therefore, apparent that the Registrar is satisfied with regard to failures as specified in clauses a, b, c of sub section (1) of Section 26 of the Act, he may, after giving opportunity of hearing to the working trustee, direct such trustee to apply to the Court for directions within the time specified by him.

9. In case, the Registrar does not issue any direction to the trustee, sub section (1) of Section 26 provides that if the trustee so directed fails to make an application as required, there is no trustee of the public trust and if for any other reason, the Registrar considers it expedient to do so, he shall himself make an application to the Court.

In view of the aforesaid statutory scheme, the Registrar may examine the same and take appropriate decision on the complaints filed, if any, by the petitioner. The complaints shall be disposed off as expeditiously as possible.

10. With the aforesaid observation, this petition is finally disposed off.

Sd/-

Manindra Mohan Shrivastava
Judge