

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3569 of 2017

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Md. Idrish Khan, Son of Md. Yusuf, resident of Chowk Sikarpur, P.S. Chowk,
Patna City, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Minority, Welfare and Waqf, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Patna Division, Patna.
5. The District Magistrate, Patna.
6. The Chairman, Bihar State Sunni Waqf Board, Haj Bhawan, Patna.
7. The Commissioner, Patna Municipal Corporation, Patna.
8. The Chief Executive Officer, Bihar State Sunni Waqf Board, Haj Bhawan,
Patna.
9. The Sub divisional Officer, Patna City, Patna.
10. The SHO, Chowk Police Station, Patna City.
11. Waqf Board, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner	:	Mr. Santosh Kumar Singh, Advocate
For the P.M.C.	:	Mr. Sanjay Prakash Verma, Advocate
For the State	:	Mr. Durgesh Nandan, AAG-14

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-05-2017

In this petition filed *pro bono*, grievance of the petitioner
is with regard to encroachment in a land belonging to “Data Nuruddin
Sah Waqf” bearing waqf No.1427 situated in Chowk Sikarpur, Patna



City. *Inter alia*, contending that encroachment in the property has not been removed and even after directions issued and at the instance of the petitioner in a Public Interest Litigation previously filed, C.W.J.C. No.1849 of 2015 on 29.04.2016 no action has been taken and the matter is still pending consideration before the Bihar Waqf Tribunal, Patna, this writ petition has been filed.

We find on going through the material available on record particularly the order dated 29.04.2016 passed in C.W.J.C. No.1849 of 2015 (Annexure-3) that with regard to the encroachment in question, the matter was pending before the Bihar Waqf Tribunal, Patna and the Bihar Waqf Tribunal, Patna was directed to take action for removal of encroachment under Sections 54(3) read with 54(4) of the Waqf Act, 1995 and it is alleged that in spite of order being passed on 29.04.2016, the period of one year having been over, the Tribunal has not taken any action.

If that be so and still the matter is pending before the Bihar Waqf Tribunal, Patna, we direct the Bihar Waqf Tribunal, Patna to take action and conclude the proceedings, if any, pending before it in accordance to law after hearing all concerned within a period of three months from the date of receipt of certified copy of the order.

Needless to emphasize that in case the issue has already been decided by the Tribunal, the Tribunal shall be free to record the



same and communicate the same to the petitioner.

With the aforesaid, the writ application stands disposed
of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	16.05.2017
Transmission Date	

