

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.10608 of 2017**

- =====
1. Qaisar Ahmad son of Abdul Aziz Resident of Mohalla - Moria Ghat, Police Station - Kotwali, District - Gaya.
  2. Eqtedar Ahmad Khan son of Abdul Ghaffat Khan Resident of Mohalla - Chhatta Masjid, Police Station - Civil Line, District - Gaya.
  3. Md. Jawed Akhtar son of Late Md. Rafique Resident of Mohalla - Bottom Bridge, G.B. Road, Police Station - Civil Line, District - Gaya.
  4. Md. Qasim @ Md. Quaseem son of Late Rajuddin Resident of Millat Colony, Police Station - Civil Lines, District - Gaya.
  5. Md. Aslam Quraishi son of Hanif Quraishi Resident of Mohalla - Kasab Tola, Bari Road, Police Station - Kotwali, District - Gaya.
  6. Enam Khan son of Late Islam Khan Resident of Mohalla - Millat Colony, Police Station - Civil Line, District - Gaya.
  7. Md. Mukhtar Khan son of Md. Akhtar Resident of Enayat Colony, Police Station - Civil Line, District - Gaya.
  8. Ishteyaque son of Manzar Hussain Resident of Panchayati Akhara, Police Station - Kotwali, District - Gaya.
  9. Md. Eqbal son of Md. Sharfuddin Resident of Enayat Colony, Police Station - Civil Line, District - Gaya.

.... .... Petitioner/s

Versus

1. The Bihar State Wakf Tribunal, Patna.
2. The Bihar State Sunni Waqf Board, Haj Bhawan, Ali Imam Path, Patna through its Chief Executive Officer.
3. The Chairman of the Bihar State Sunni Wakf Board, Haj Bhawan, Ali Imam Path, Patna.
4. The Chief Executive Officer, Bihar State Sunni Wakf Board, Haj Bhawan, Ali Imam Path, Patna.
5. Mumtaz Alam son of Late Abdul Hafeez Resident of Mohalla T. Model School Lane, Police Station - Civil Line, District - Gaya.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Raghieb Ahsan, Sr. Advocate with  
Mr. Saba Ashfaq, Advocate

For the Respondents No. 2, 3 and 4 : Mr. Md. Helal Ahmad, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

**ORAL JUDGMENT**

**Date: 23-08-2017**

Heard Mr. Raghieb Ahsan, learned senior counsel, along



with Mr. Saba Ashfaque, learned counsel for the petitioners and Mr. Md. Helal Ahmad, learned counsel for the Bihar State Sunni Wakf Board (hereinafter referred to as the 'Board').

2. The petitioners have moved the Court for setting aside of portion of the order dated 19.05.2017 by the Bihar Wakf Tribunal, Patna in Wakf Appeal No. 02 of 2017, by which the appeal filed by the respondent no. 5, though held to be infructuous, a finding has been given against the petitioners of indulging in illegal activity, conspiracy and misconduct with the further observation that they do not deserve to be made member of the Managing Committee in future.

3. Learned counsel for the petitioners submitted that even though the appeal, in which they were respondents, has been dismissed as infructuous but a direction has been given against the petitioners with positive finding against them of having indulged in illegal activity, conspiracy and misconduct, without there being notice to them muchless any opportunity of being heard.

4. Learned counsel for the Board does not dispute the aforesaid position.

5. Having considered the submissions of learned counsel for the parties, the Court is in agreement with the submissions made by learned counsel for the petitioners that, as is evident from the order impugned itself the petitioners were never noticed or heard.



6. Thus, on the short point of there being violation of principles of natural justice, the impugned order, to the extent that there is finding against the petitioners of them having indulged in illegal activity, conspiracy and misconduct as well as the direction that they do not deserve to be made member of the Managing Committee in future, stands set aside.

7. The writ petition stands allowed in the aforementioned terms.

8. The Court is conscious that the appeal was filed by the respondent no. 5 but since his appeal has been dismissed as infructuous, the Court does not deem it necessary that the respondent no. 5 is required to be noticed and heard, as it would be a mere formality serving no purpose.

**(Ahsanuddin Amanullah, J)**

Anjani/-

|          |  |
|----------|--|
| AFR/NAFR |  |
| U        |  |

