

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2411 of 2015

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Shakir Ejaz, Son of Late Md. Hussain, Resident of village - Nosha, P.S.
Phulwrisarif, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna
2. The Principal Secretary, Department of Home, Government of Bihar, Patna
3. The Principal Secretary, Department of Welfare (Minority), Government of Bihar, Patna
4. The Director General of Police, Bihar, Patna
5. The Additional Secretary, Department of Minority Welfare, Government of Bihar, Patna
6. The Principal Secretary, Department of Vigilance, Government of Bihar, Patna
7. The Inspector General, Department of Vigilance, Government of Bihar, Patna
8. The Director, Department of Minority Welfare, Government of Bihar, Patna
9. The Chief Executive officer, Bihar State Shia Wakf Board, Patna
10. The Chairman, Bihar State Shia Wakf Board, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the State : Mr. P. K. Verma, AAG-3
Mr. S. K. Sharma, AC to AAG-3
For the Vigilance : Mr. Ramakant Sharma, Senior Advocate
For the Waqf Board : Mr. Syed Asghar Najmi, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-03-2017

Having heard learned counsel for the parties, we find that
a dual relief is claimed for by the petitioner in the petition filed *pro*



bono publicano. One of the reliefs claimed is that the Chairman and other members of the Waqf Board are not functioning properly. They are acting in defiance of the statutory rule as they are discharging their duties, a direction is sought for to prohibit them from working or to remove them from the office in question.

As far as the first relief is concerned, we are informed that the tenure of the Chairman as well as the Members of the Board has been completed and a new Board is taken over. Hence, the first relief is rendered infructuous.

The other relief pertains to the exercise of the powers by the Chairman and the Members of the Waqf Board and certain transactions undertaken by them, alleged to be illegal in the matter of sale and disposal of property belonging to the Board. For the same from the counter affidavit filed by the State Government, we find that a detailed enquiry has been conducted and certain transactions that we found to be not in accordance with law have been cancelled and with regard to certain transactions, the State Government has given direction to the Waqf Board to take appropriate steps.

Be that as it may, now as the new Board has taken over, if the petitioner points out any discrepancy in the transactions as alleged, the new body may look into the matter and thereafter, if any grievance still subsists, liberty is granted to the petitioner to ventilate the same by



approaching the appropriate authority in accordance with law.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	18.03.2017
Transmission Date	

