

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No 1214 of 2012

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Mehrun Nisa Khanam W/O Dr Md Hasan Ali Khan Resident Of Mohalla Kabirganj, P.O. And P.S. Sasaram, District Rohtas.

.... Petitioner/s

Versus

1. Md. Irshadullah, Chairman, Bihar State Sunni Wakf Board Haj Bhawan, 34-Ali Imam Path, Patna.
2. Dr Shamim Ahmad Khan, Kalpana, Rest House, Dak Bungalow Road, Gaya Town District Gaya.
3. The State of Bihar through the Principal Secretary, Minority Welfare, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. ANIL KUMAR SAXENA

For the Respondent/s : Mr. MANOJ PRIAYDARSHI SC17

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 10-05-2017

Seeking enforcement of an interim order passed on 28.10.2009 in a pending writ petition (CWJC No 2532 of 2001) and further contending that the benefits of the interim order are not being extended by the Waqf Board, this application was filed for initiating contempt. This application is pending since 2012 and none is appearing for respondent-Waqf Board.

2 Having considered the submissions made and taking note that the grievance of the petitioner, being non-implementation in a pending writ petition has not been redressed and on perusal of the order passed in CWJC No 2532 of 2001, it is clear that the writ petition is still pending consideration before the Writ Court, it is not



appropriate in a parallel proceedings to initiate action for contempt.

3 Petitioner may, by filing an interlocutory application in the writ petition, seek further interim protection. This remedy is available by invoking the jurisdiction of the Writ Court where the matter is still pending.

4 With the aforesaid observation and liberty to the petitioner, this application is disposed of.

5 Let the original records of the writ proceedings be sent for listing the writ petition before the Writ Court.

(Rajendra Menon, CJ)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2017
Transmission Date	NA

