

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 272 of 2016
Along with
Interlocutory Application No. 2582 of 2017

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Md. Nasim Ansari, son of Late Md. Yaqub, resident of Mohalla- Chawk Shikarpur,
P.S.- Chawi, Patna City and District Patna

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Ministry Welfare Department, Bihar, Patna
2. Bihar State Sunni Wakf Board through its Chief Executive Officer 34, Haj Bhawan, IInd Floor, Ali Imam Path (Harding Road) Patna 800001.
3. The Chairman, The Bihar State Sunni Wakf Board, 34, Haj Bhawan, Ali Imam Path (Harding Road) Patna 800001.
4. The Chief Executive Officer, The Bihar State Sunni Wakf Board, 34, Haj Bhawan, Ali Imam Path (Harding Road) Patna 800001.
5. Janab Md. Ateequal Haque S/o Late Faridul Haque, resident of Mohalla- Khanquah Emadia, Magal Talab, Patna City, Distt- Patna, president of Managing Committee.
6. Janab Md. Nasim S/o Late Habibur Rahman, resident of K.B.M. Mohalla Lodi Katra, Patna City, Secretary of the Managing Committee
7. Janab Md. Sohail Akhtar son of Late Subhan, Mohalla- Lodi Katra, Patna City, Cashier of the Managing Committee
8. Janab Seraj W/o Late Bashiruddin of Mohalla- Batao Kuan, Patna City (Member)
9. Janab Md. Firoz S/o Late Abdul Rashid of Mohalla- Chawk Shikarpur, Patna City (Member)
10. Janab Md. Shamsuddin S/o Late Md. Qamruddin of Mohalla Chawk Shikarpur, Patna City (Member)
11. Janab Ata Karim S/o Late Rizvi Alam of Mohalla- Lal Imli, Patna City
12. Janab Md. Marghub Alam S/o Haji Abdul Rashid of Mohalla- Shah Fasahatka-Maidan, Patna City
13. Janab Md. Shamim S/o Shafi Alam of Mohalla- Bagh Malu Khan, Patna City
14. Janab Amjad Lia, S/o Late Md. Huss in of Mohalla- Khajekalan, Patna City.
15. Janab Rukhsar Ansari S/o Late Nasir Ansari of Mohalla- Nun Ka Chauraha, Patna City

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mohammed Abu Haidar, Mr. Md Abu Shajar, Mr. Sadat Ali Khan, Advocates
For Respondents No 6 to 13 & 15	:	Mr. Amaresh Kumar Sinha, Ms. Kainat Akhtar, Advocates
For Respondent No 14	:	Mr. Sunnil Kumar, Advocate
For the S t a t e	:	Mr. Kumar Kamal Nayan, A.C. to S.C. 28

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 21-04-2017

Heard learned counsel for the parties.

2. The petitioner has moved the Court for the following reliefs:

“a. For quashing the order as contained in Memo No. 1740 dated 09.10.,2014 passed by the Respondent-Chief Executive Officer, Bihar State Sunni Waqf Board, Patna whereby the petitioner’s committee has been dissolved arbitrarily and without any authority under law.

b. For quashing the order as contained in Memo No 1450 dated 31.08.2015, issued under the signature of Respondent-Chief Executive Officer, Bihar State Sunni Waqf Board, Patna whereby the learned Chief Executive Officer has directed the District Magistrate, Patna as well as Senior Superintendent of Police to take appropriate step for handing over the key of the waqf premises to Md. Nasim, present Secretary of the Data Nooruddin Shah Waqf Estate, Chowk Shikarpur, Patna City.

c. For any other relief or reliefs which the petitioner is entitled to.”

3. Upon considering the facts and circumstances of the case and in view of the fact that the petitioner has also moved before the Waqf Tribunal in Waqf Appeal No 10 of 2014, for the reliefs prayed for in the present writ application, but on account of non-functioning of the Waqf Tribunal at the relevant point of time, the same remained pending and now the Waqf Tribunal, having become



functional, in the opinion of the Court, the writ petition is not required to be adjudicated on merit by this Court, at this stage.

4. In view thereof, the writ petition stands disposed off with a direction to the Waqf Tribunal to hear and dispose off Waqf Appeal No. 10 of 2014 expeditiously and in any case by 31st July, 2017.

5. To facilitate the matter, the petitioner and respondents No. 6 to 15 shall appear before the Waqf Tribunal on 27th April, 2017, along with a copy of this order and, thereafter, the Waqf Tribunal shall proceed in the matter and ensure that the appeal is finally disposed off within the time fixed.

6. The order of status quo dated 20.04.2016 stands vacated.

7. Interlocutory Application No. 2582 of 12017, having become infructuous, stands disposed off.

(Ahsanuddin Amanullah, J)

M.E.H./-

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