

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.554 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 4708 of 2015**

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Syed Shah Mannawar Hassan, Son of Late Syed Shah Ahmad Hassan, Resident of
Nayamakan Lodi Katra, P.S. Chawk Patna City, District Patna.

.... Appellant/s

Versus

1. The State of Bihar, the Principal Secretary, Minority Welfare Department, Government of Bihar, Patna.
2. The Bihar State Sunni Wakf Board, through its Chief Executive Officer, 34 Haj Bhawan, 2nd Floor, Harding Road, Patna.
3. The Administrator, Bihar State Sunni Wakf Board, 34 Haj Bhawan, 2nd Floor, Harding Road, Patna.
4. The Chief Executive Officer, Bihar State Sunni Wakf Board, 34 Haj Bhawan, 2nd Floor, Harding Road, Patna.
5. The District Magistrate, District Patna.
6. The Superintendent of Police, District Patna.
7. The Sub Divisional Officer, Patna City, District Patna.
8. The Officer-in-Charge, Khajekalen Police Station, Patna City, District Patna.
9. Janab Mahmood Alam son of Md. Alam Firoz, Mangal Store, Nala Road, District Patna.
10. Janab Kamluzxaeffar son of Md. Wasiuddin Sharfi, New Colony, Digha, District Patna.
11. Janab Shafiuddin Ahmad, son of Late Faqrudin Ashraf, Ramna Road, District Patna.
12. Janab Shah Raza son of Anwar Ali Khan, Samanpura, Raza Bazar, District Patna.
13. Janab Manzar Ali son of Dr. Nazrur Rahman, Ramna Road, District Patna.
14. Janab Syed Md. Irshad Alam son of Abdul Shakoor, Shahganj, District Patna.
15. Janab Tajuddin son of Md. Haroon Rashid, Shah Ki Imli, Patna City, District Patna.
16. Janab Ibrar Raza son of Late Md. Islam, Barkat Khan Ki Akhara, District Patna.
17. Janab Naqui Ahmad son of Late Jamil Ahmad, Shah Kamal Road, Patna City, District Patna.
18. Janab Md. Ibrahim son of Anwar Hussain, Banwari Tola, Mugal Ki Jama Masjid, District Patna.
19. The Managing Committee, Yateem Khana, Anjuman Khademul Islam, President of Dr. Ahmad Abdul Hai son of Late Dr. Mohammad Abdul Hai, resident of Exhibition Road, Police Station Gandhi Maidan, District Patna. Office situated at Kashmir Kothi, Patna City, District Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Anisur Rahman, Advocate
For the Respondent/s : Mr. Khatim Raza, A.C. to S.C. 25

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 04-08-2017

We see no error in the order passed by the learned Writ Court in the matter of declaring a Managing Committee for regulating the property known as Yatimkhana.

2. In the writ petition the learned Writ Court found that the Waqf Board has not taken any decision to declare the property as Waqf property. The inquiry with regard to whether the property should be taken over was pending and once this was the actual position, the learned Writ Court was of the opinion that no Managing Committee can be appointed till a decision is taken by the Board.

3. In doing so, no error has been committed by the learned Writ Court warranting interference even though for declaring the property as a Waqf property.

4. Even though learned counsel for the appellant vehemently tried to argue that the Writ Court should not have exercised its jurisdiction under Article 226 of the Constitution and should not have interfered into the matter when a statutory remedy of appeal is available, we are of the considered view that this submission is wholly misconceived. Once based on the affidavits and the materials that came on record the learned Writ Court formed an



opinion that the inquiry as to whether the property is to be taken over by the Waqf Board is still pending, the learned Writ Court has not committed any error in exercising its jurisdiction and holding that till the property is not declared as Waqf Proerty, no Managing Committee could be appointed.

5. The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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