

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No.2232 of 2017

Mohatsib Hasan Dani S/o Yakub Hasan Dani, Aged About 58 Years R/o Basna, Mutwalli Masjid Trust Basna, District Mahasamund Chhattisgarh.

---- Petitioners

Versus

1. Chhattisgarh Rajya Wakf Board Through Chief Executive Officer, Sector - 03, C-12, Devendra Nagar, Raipur Chhattisgarh.
2. Anwar Hussain S/o Fida Hussain, Aged About 40 Years R/o Taj Welding Infront Of Bijli Office, Basna, Police Station Basna, Tahsil Basna, District Mahasamund Chhattisgarh.
3. Mohd. Niyaz Khan S/o Ishak Khan, Aged About 48 Years R/o Village Khatkhri, Police Station Basna, Tahsil Basna, District Mahasamund Chhattisgarh.
4. Collector, Mahasamund, District Mahasamund Chhattisgarh.
5. Sub Divisional Officer (R) Saraipali, District Mahasamund Chhattisgarh.
6. Superintendent Of Police, Mahasamund, District Mahasamund Chhattisgarh.

---- Respondents

For Petitioner	:	Mr.H.B.Agrawal, Senior Advocate with Mrs.Prabha Sharma, Advocate
For Respondent No.1	:	Mr.Prateek Sharma, Advocate
For Respondent No.2	:	Mr.Manoj Paranjape and Mr.Prasoon Agrawal, Advocate
For Respondent No.3	:	Mr.B.N.Nande, Advocate
For Res.No.4 to 6	:	Mr.Shashank Thakur, Govt. Advocate
Mr.S.K. Pandey, Incharge-CEO of the Chhattisgarh Rajya Wakf Board is present		

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

11/09/2017

1. The petitioner has filed this writ petition calling in question the order dated 10.7.2017 (Annexure P/18) passed by respondent No.4 stating inter-alia that the petitioner has not served with the removal order, therefore, the impugned order for handing over the

charge is unsustainable and bad in law.

2. Mr. Prateek Sharma, learned counsel for respondent No.1, would submit that the petitioner has been removed from the post of Mutwalli by order dated 15.5.2017 and that order has been served to him, but that order has not been challenged either before the State Wakf Tribunal or before this Court and thereafter new Mutwalli has been appointed and committee has also been appointed by order dated 23.5.2017, however, charge has not been handed over by the petitioner to new committee, therefore, such an application has been filed before the Collector, which has been challenged by the petitioner by way of this writ petition.
3. I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
4. It is not in dispute that the petitioner has been removed from the post of Mutwalli on 15.5.2017, but that order has not been challenged by the petitioner either before the State Wakf Tribunal or before this Court. New committee has been appointed by order dated 23.5.2017 to whom charge has not been handed over by the petitioner, by which application has been made before respondent No.4, which has been entertained on 10.7.2017 by respondent No.4/Collector, Mahasamund, which has been challenged by the petitioner by way of this writ petition. Respondent No.4/Collector, Mahasamund has passed an order

dated 31.7.2017 directing handing over the charge to new committee.

5. The fact remains that the petitioner has not challenged the order dated 15.5.2017 removing him from the post of Mutwalli, however, he has already challenged the order dated 23.5.2017 before the State Wakf Tribunal and if any order has been passed directing handing over the charge to new committee, he is at liberty to challenge the same before the State Wakf Tribunal and also seek interim relief so far as the implementation of the order dated 23.5.2017 is concerned and if any order passed by the Collector. No relief can be granted to the petitioner at this stage in this writ petition.
6. Accordingly, the writ petition deserves to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-