

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 731 of 2017**

Anjuman Committee Marwahi Tahsil Marwahi District Bilaspur,
Chhattisgarh, (Registered Wakf Under The Waqf Act 1954) Acting
Through Its President Abdul Nawab Ansari S/o Late Abdul Gaffar
Ansari, Aged About-40 Years, R/o Village Marwahi, Tahsil- Marwahi,
District- Bilaspur, Chhattisgarh **---- Petitioner**

Versus

1. The Chhattisgarh State Waqf Board Acting Through Its Chief Executive Officer C-12/03, Devendra Nagar, Raipur, Chhattisgarh
2. The Sub-Divisional Officer (R)/ Assistant Survey Commissioner, Waqf Pendra Raod (Marwahi), Bilaspur, Chhattisgarh
3. Hazi Sattar Mohammad S/o Karamatullah Aged About 90 Years R/o Marwahi, Tahsil- Marwahi, District- Bilaspur, Chhattisgarh
4. Mohd. Zafar Sheikh S/o Niyamtullah Sheikh Aged About 32 Years R/o Marwahi, Tahsil- Marwahi, District- Bilaspur, Chhattisgarh
5. Shahbaz Ansari S/o Khalilullah Ansari Aged About 30 Years R/o Marwahi, Tahsil- Marwahi, District- Bilaspur, Chhattisgarh
6. Mohd. Abdul Qadir S/o Late Mohd. Wali Aged About 32 Years R/o Marwahi, Tahsil- Marwahi, District- Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. K.A. Ansari, Senior Advocate with Mr. Devesh G. Kela, Advocate
For State	:	Mr. Ashutosh Pandey, Panel Lawyer
For Respondent No.2	:	Mr. Prateek Sharma, Advocate
For Respondents No.3 to 6:	:	Mr. Surfaraj Khan, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/05/2017**

Heard.

1. This petition has been filed by the petitioner seeking a relief to restrain respondent No.1 not to appoint a new Intezamia Committee for the Waqf and also to restrain respondents No.3 to 6 from interfering with the management of the Waqf.

2. Learned Senior counsel submits that the manner in which the respondent No.3 to 6 have started interfering with the functioning under the order of election of new Committee, it is apprehended that the State Waqf Board may come to their aid and recognize them as the duly appointed Committee which will have adverse effect and impact on the petitioner's right to work as mutuwalli Committee of the waqf registered under the Waqf Act.
3. After hearing learned Senior Counsel for the petitioner and going through the records of the case as also documents along with an application for taking document on record filed on 09.05.2017, the contents of the aforesaid material do not reflect that at this stage, the Waqf Board has passed any order adverse to the interest of the petitioner either in restraining the petitioner from functioning or recognizing allegedly elected Committee of respondents No.3 to 6.
4. Before this Court, learned counsel for the Waqf Board empathetically stated that till date, they have not taken any action nor passed any order against the petitioner and therefore, the petition, at this stage, is premature. He also submitted that earlier a direction was issued which was subjected to challenge by the petitioner but later on, the direction issued was withdrawn and the Writ Petition No.1274 of 2016 was disposed off as having rendered infructuous on 31.03.2017.
5. Learned counsel for respondents No.3 to 6 submits that the petitioner has approached this Court on certain apprehensions without any specific material of any interference by those respondents against the petitioner.
6. In the absence of there being any action taken against the petitioner by the Waqf Board, or any other public authority, there is no cause of action in public domain warranting interference of the writ Court. The grievance, if any of the petitioner, against private respondents, could be redressed by seeking appropriate declaratory or injunctive relief from the appropriate Forum as may be available to them under the law.
7. The petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)

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