

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7363 of 2017

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Md. Javed Khan, Son of Late Samsul Khan, Reisdent of Village/Mohalla-
Masjid Road, Ward No. 09, near of Chamra Godam, P.S. Banjaria Sadar,
Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. Prof. Anabarul Haque, Ex-Secretary, Anjuman Islamiya Main Road, Motihari,
East Champaran, Amla Patti, Near- Naka No. 1, East of Dr. Khabir.
2. Emam Kari (Jalal Saheb), Main Road, Jama Maszid, Motihari, Head
Maulana, Madrasa Anjumane Islamiya, Near Town Hall, Motihari.
3. The General Secretary, Anjumane Islamiya Jama Maszid, Main Road,
Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bishwajeet Pandey, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-09-2018 Heard the parties.

The present writ application has been filed for a
direction to the respondent authorities, particularly, Respondent
No.3, the General Secretary, Anjumane Islamiya Jama Maszid,
Motihari to re-allot the shop of the petitioner in the premises of
the concerned mosque.

It is submitted by learned counsel for the petitioner
that the petitioner was running the shop in the premises of
mosque in question since 1986, but in the year 2009, the shop of
the petitioner has been removed on the pretext of renovation of
the mosque in question.

This Court is not inclined to interfere on two grounds,



firstly, that the relief has been sought for against the General Secretary of the Mosque, who is not a 'State' within the ambit of Article 12 of the Constitution of India and secondly, the dispute of tenancy cannot be resolved in the present proceeding in exercise of power under Article 226 of the Constitution of India.

Accordingly, the present writ application is dismissed with liberty to the petitioner to approach the appropriate forum for redressal of his grievance.

(Dinesh Kumar Singh, J)

Amrendra/-

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