

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.479 of 2017  
IN  
Civil Writ Jurisdiction Case No. 14379 of 2015**

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1. Md. Matin @ Aashique  
2. Md. Chand  
3. Md. Islam  
4. Irfan @ Phuddi All Sons of Late Md. Jameel resident of Gate no. 96, Bans Kothi, Digha Ghat, Masjid Lane, P.O. + P.S.-Digha, Dist.-Ptnna.  
.... .... Appellant/s

Versus

1. The Principal Secretary, Minority Welfare Department, Haj Bhawan, 34 Ali Imam Path, Patna.  
2. The Chief Executive Officer, Bihar State Sunni Wakf Board, Patna.  
3. Roshan Ara  
4. Kausar Jahan Both are Daughter of Late Md. Jameel resident of Gate no.96, Bans Kothi, Digha Ghat, Masjid Lane, P.O. + P.S.-Digha, Dist.-Patna.  
5. The District Magistrate-cum-Collector, Patna.  
6. The Senior Superintendent of Police, Patna.  
7. Farhat Bano Widow of Late Akbar Ali resident of Digha, Bans Kothi, Masjid Lane No. 96, P.S.-Digha, Dist.-Patna.  
.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. A.B. Ojha, Sr. Adv.  
Mr. Nitesh Kumar, Adv.  
Mr. Bharat Bhushan, Adv.  
Mrs. Indra Lakshmi, Adv.  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI  
and  
HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
ORAL JUDGMENT  
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)  
Date: 12-04-2018

Heard counsel for the appellants, counsel for the private respondents, counsel for the State and counsel for the Wakf Board.

Submission of learned senior counsel for the appellants is that his case will be covered by a Single Judge decision rendered in the case of **Abdul Salam Vs. S.M. Aslam**, reported in **1998 (1)**



**P.L.J.R. 176** where the learned Single Judge had held that the forum for such eviction will be guided by the Bihar Buildings (Lease, Rent & Eviction) Control Act which has ousted the jurisdiction of the civil court may not be correct law now in view of the Supreme Court declaration.

Since the decision of the learned Single Judge is based on two decisions rendered by the Hon'ble Supreme Court laying down the law with regard to the issue as to which is the forum where a case for eviction can be brought which are cases of **Ramksh Gobindram Vs. Sugar Humayun Mirza Wakf** reported in **A.I.R. 2010 SC 2897** as well as the decision rendered in **Faseela M. Vs. Munnerul Islam Madrasa Committee** reported in **A.I.R. 2014 SC 2064**, the decision of the learned Single Judge cannot be said to be erroneous.

Appeal has no merit. It is dismissed.

**(Ajay Kumar Tripathi, J)**

**(Nilu Agrawal, J)**

Devendra/Arjun

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