

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15395 of 2017

=====

1. Abdul Khalique Son of late Abdul Karim Both Resident of Mohalla-Kabirganj, P.O. and P.S. Sasaram, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Minority Welfare Department, Government of Bihar, Patna.
2. The Principal Secretary, Minority Welfare Department, Government of Bihar, Patna.
3. District Minority Welfare Officer-Cum-Nodal Officer, Waqf Collectorate, Sasaram, District- Rohtas.
4. Bihar State Sunni Waqf Board through its Chief Executive officer, Bihar State Sunni Waqf Board, 34 Ali Imam Path(Harding Road) Haj Bhawan, Patna.
5. The Chief Executive officer, Bihar State Sunni Waqf Board, Patna.
6. The District Auquaf Committee through its Secretary District Auquaf Committee, Sasaram, District- Rohtas.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Adv.
For the Respondent/s : Mr. S.S.P.Yadav -SC14
For the Waqf Board : Mr. Helal Ahmad, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 03-05-2018 In the instant writ petition has been filed by the petitioner for quashing the office order dated 28.08.2017 passed by the Chief Executive Officer, Bihar State Sunni Waqf Board, Patna by which the petitioner has been removed from the post of mutawalli of Waqf Estate No.1718, Habibiya Rayeen Muslim Musafir Khana, Mohalla Kabirganj, Sasaram.

Learned counsel for the petitioner submitted that the impugned order passed by the Bihar State Sunni Waqf Board is illegal and unsustainable in the eye of law.



A preliminary objection has been raised by Mr. Helal Ahmad, learned counsel appearing for the Bihar State Sunni Waqf Board regarding maintainability of the writ petition. He submitted that in view of sub-section (4) of Section 64 of the Waqf Act, 1995 an appeal against the order passed by the Waqf Board under section 64 of the said Act shall lie before the Waqf Tribunal.

Learned counsel for the petitioner submitted that he has no objection in preferring an appeal before the Tribunal if the delay caused in filing the appeal is condoned.

Considering the submissions made on behalf of the parties, the writ petition is disposed of with liberty to the petitioner to file appeal against the order impugned before the Tribunal. In case an appeal is filed within three weeks from today, the Tribunal shall condone the delay caused in filing the appeal, if any, and allow the petitioner to contest the matter on merit.

(Ashwani Kumar Singh, J)

Pradeep/-

U			
---	--	--	--

