

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3583 of 2018

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Mohammad Faruque Haider, Son Late Shamim Haider, Resident of 405,
Sharf Apartment, Frazer Road, P.S.-Gandhi Maidan, District-Patna.

... .. Petitioner/s

Versus

1. The Bihar State Shia Waqf Board through its Chief Executive Officer, Haj Bhawan, 34 Ali Imam Path, Patna.
2. Mrs. Saher Ali Saini Motawallia, Fazl Imam, Public Religious and Charitable Trust, Wife of Bhisham Saini, R/o-48, Uday Park, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Firoz Reza, Advocate
For Respondent No.1	:	Mr. Khursheed Ahmed, Advocate
		Mr. Syed Asghar Najmi, Advocate
For Respondent No. 2	:	Mr. K.B. Upadhyay, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-03-2018

Inter alia contending that certain Waqf property is being misused and instead of using the property for charitable purpose, the property is being leased out to private individual on commercial consideration, this writ petition has been filed purportedly in public interest under Article 226 of the Constitution.

Having heard learned counsel for the parties, we find that under the Waqf Act, 1995 special tribunals have been constituted under Section 83 and in Chapter 8 of the Waqf Act jurisdiction has been given to the tribunal, statutory in nature,



for dealing with disputes and questions arising out of use of Waqf property and determination of rights and obligation of the property.

That being so, as a statutory tribunal is available for redressal of the grievance of the petitioner, interference into the matter in a public interest litigation under Article 226 of the Constitution is not called for. Petitioner may file a properly constituted complaint before the statutory tribunal and we are hopeful that the tribunal shall proceed to determine the issue in accordance with law.

With the aforesaid liberty to the petitioner, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	08.03.2018
Transmission Date	

