

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.893 of 2018

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S. M. Shabbirut Tauhid @ Shabbirul Tauheed, Son of late Shamsut Tauhid
Secretary, Managing Committee Shahi Bari Masjid Waqf No. 522, Resident of
Mohala- Brahbatra, P.S. Ara Town, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Minority, Welfare Department,
Govt. of Bihar, Patna.
2. The Bihar State Sunni Waqf Board, 34, Ali Imam Path(Harding Road, Haj
Bhawan, Patna through its Chief Executive Officer).
3. Gupteshwar Prasad Son of late Jawahar Prasad Tenant of Shop No. 24 and 25,
Shahi Masjid Complex, Bari Chowk, Devi Asthan Road, P.S. Arrah Town,
District- Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque, Advocate

For the Respondent/s : Mr. Chitranjan Sinha (PAAG2)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 04-05-2018

In the instant writ petition, the petitioner has prayed
for quashing of order dated 23.10.2017 passed by the Bihar Waqf
Tribunal, Patna in Title Suit No. 07 of 2013 whereby the suit has
been dismissed on the ground that the same is not maintainable.

2. The petitioner claims to be the Secretary of the
Managing Committee of Shahi Bari Masjid Waqf No. 522. He filed
a suit for eviction of respondent no. 3 from Shop Nos. 24 and 25 of
Waqf Estate due to non-payment of rent since 15.12.2012 till
15.05.2013 and a decree of pecuniary loss and damages.



3. At the outset, Mr. Ataul Haque, learned counsel appearing for Waqf Board submitted that in view of the judgment dated 25.04.2018 passed by this Court in CWJC No. 14622 of 2017 wherein this Court has held that a petition under Article 226/227 of the Constitution of India against the judgment and order passed by the Tribunal constituted under the Waqf Act, 1995 would not be maintainable, the instant writ petition is not maintainable.

4. Learned counsel for the petitioner does not dispute the aforesaid contention of the learned counsel appearing for the Waqf Board. He, however, submitted that the writ petition may be disposed of with liberty to the petitioner to invoke the proviso to sub-section (9) of Section 83 of the Waqf Act, 1995 for redressal of his grievance.

5. With the consent of the parties, the writ petition is disposed of with liberty to the petitioner to invoke the proviso to sub-section (9) of Section 83 of the Waqf Act, 1995 for redressal of his grievance.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.05.2018
Transmission Date	NA

