

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2340 of 2018

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Ozair Ahmad Khan @ Ojair Ahmad Khan, Son of Akhyaid Hussain Khan,
Resident of Village- Paili, P.O.- Bhadeya, Police Station- Barachatti,
District- Gaya, Presently residing at Mohalla- Aliganj, Police Station-
Chandauti, District- Gaya.

.... Petitioners

Versus

1. The Sunni Waqf Board, through its Chief Executive Officer, Haj Bhawan, 34, Ali Imam Path, Patna.
2. The Chief Executive Officer, Bihar Sunni Waqf Board, Jah Bhawan, Ali Imam, Patna.
3. The Bihar Waqf Tribunal through its Chairman, Haj Bhawan, 34 Ali Imam Path, Patna.
4. Md. Asif Khan @ Khurram Khan, Son of Late Abdul Jabar Khan, Mutawallai, Irshad Ali Khan, Waqf Estate No.94, Gaya, Resident of Village- Karma, Police Station- Barachatti, District- Gaya.
5. Anup Kumar Gupta, Son of Late Sonu Lal, Shop No17 (in the name and style of Sonu Lal and sons) Pharma Market G.B. Road, Police Station- Civil Lines, Resident of Sri Makhlaughtanj, Police Station- Kotwali, District- Gaya.
6. Md. Mansoor Alam, Son of Late Md. Siddique Ansari, Shop No.15 (in the name and Style of M/s Electronic), Plaza Market, G.B. Road, P.S.- Civil Lines, District- Gaya, Resident of Mohalla- Old Karimganj, Gali No.9, Police Station- Civil Line, District- Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Syed Arshad Alam, Advocate
For the Respondent/s : Md. Helal Ahmad

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 04-05-2018

At the outset, it is submitted by Mr. Syed Arshad



Alam, learned counsel appearing for the petitioner that since this Court has already held in its judgment dated 25.04.2018 passed in CWJC No. 14622 of 2017 that against the order passed by the waqf tribunal, an application under Article 226/227 of the Constitution of India would not be maintainable, the petitioner may be permitted to withdraw the present writ petition in order to invoke the proviso of sub-section (9) of Section 83 of the Waqf Act, 1995 with limitation petition against the impugned order dated 21.12.2017 passed in T.S. No. 10 of 2014 by the Bihar Waqf Tribunal.

Leave is granted.

The writ petition stands disposed of.

(Ashwani Kumar Singh, J)

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