

HIGH COURT OF CHHATTISGARH, BILASPURWPC No.747 of 2015

Sheikh Juber, S/o Sheikh Ismail, aged about 30 years, R/o Nehru Nagar, Raipur, Shop No.2 (Old No.23), Hazrat Fateh Shah Majaar & Masjid Trust Committee, Police Line, Tikrapara, Raipur, Civil & Revenue District Raipur

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Ministry of Minorities Welfare / Wakf, Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur.
2. The Sub Divisional Officer & Assistant Survey Commissioner (Wakf), Raipur.
3. Chhattisgarh State Wakf Board, Raipur through its Chief Executive Officer, Sector 3C/12, Devendra Nagar, Raipur (C.G.)
4. Hazrat Fateh Shah Majaar & Masjid Trust Committee, through its Mutwalli Abdul Rasheed Memon Asarfi, S/o Late Abdul Musa, aged about 49 years, Police Line Tikrapara, Raipur, District Raipur (C.G.)
5. Hazi Meer Kadir Ali Mutavalli Hazrat Fateshah Majar and Masjid Trust, Tikrapara, Raipur

---- Respondents

WPC No.752 of 2015

Rafique Khan, S/o Late Imdad Khan, aged about 50 years, R/o Pachpedi Naka, Raipur, Shops No.4 & 32 (Old No.2 & 26), Hazrat Fateh Shah Majaar & Masjid Trust Committee, Police Line, Tikrapara, Raipur, Civil & Revenue District Raipur

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Ministry of Minorities Welfare / Wakf, Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur.
2. The Sub Divisional Officer & Assistant Survey Commissioner (Wakf), Raipur.
3. Chhattisgarh State Wakf Board, Raipur through its Chief Executive Officer, Sector 3C/12, Devendra Nagar, Raipur (C.G.)
4. Hazrat Fateh Shah Majaar & Masjid Trust Committee, through its Mutwalli Abdul Rasheed Memon Asarfi, S/o Late Abdul Musa, aged about 49 years, Police Line Tikrapara, Raipur, District Raipur (C.G.)

---- Respondents

WPC No.753 of 2015

Mohammed Salim Khan, S/o Late Imdad Khan, aged about 50 years,
R/o Nehru Nagar, Raipur, Shop No.33 (Old No.27), Hazrat Fateh
Shah Majaar & Masjid Trust Committee, Police Line, Tikrapara,
Raipur, Civil & Revenue District Raipur

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Ministry of Minorities Welfare / Wakf, Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur.
2. The Sub Divisional Officer & Assistant Survey Commissioner (Wakf), Raipur.
3. Chhattisgarh State Wakf Board, Raipur through its Chief Executive Officer, Sector 3C/12, Devendra Nagar, Raipur (C.G.)
4. Hazrat Fateh Shah Majaar & Masjid Trust Committee, through its Mutwalli Abdul Rasheed Memon Asarfi, S/o Late Abdul Musa, aged about 49 years, Police Line Tikrapara, Raipur, District Raipur (C.G.)

---- Respondents

AND

WPC No.735 of 2015

Firoz Khan, S/o Late Imdad Khan, aged about 48 years, R/o Nehru
Nagar, Raipur, Shop No.34 (Old No.28), Hazrat Fateh Shah Majaar &
Masjid Trust Committee, Police Line, Tikrapara, Raipur

---- Petitioner

Versus

1. The State of Chhattisgarh, Through the Secretary, Ministry of Minorities Welfare / Wakf, Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur.
2. The Sub Divisional Officer & Assistant Survey Commissioner (Wakf), Raipur.
3. Chhattisgarh State Wakf Board, Raipur through its Chief Executive Officer, Sector 3C/12, Devendra Nagar, Raipur (C.G.)
4. Hazrat Fateh Shah Majaar & Masjid Trust Committee, through its Mutwalli Abdul Rasheed Memon Asarfi, S/o Late Abdul Musa, aged about 49 years, Police Line Tikrapara, Raipur, District Raipur (C.G.)

---- Respondents

For Petitioners:	Mr. Raza Ali and Mr. Chakresh Tiwari, Advocates.
For State:	Mr. Ashish Surana, Panel Lawyer.
For Respondent No.3:	Mr. Prateek Sharma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/01/2018

(1) Since common question of law and fact is involved in the instant writ petitions, they are being disposed of by this common order.

(2) The petitioners/plaintiffs filed a suit for declaration and injunction. They also filed application for temporary injunction, which has been rejected by the trial Court, and on appeal being preferred, the appellate Court has also affirmed the finding so recorded by the trial Court.

(3) This Court while entertaining the writ petition (WPCNo.747/2015) on 30.4.2015, directed not to take any coercive steps against the petitioner till the next date of hearing.

(4) Learned counsel appearing for the petitioners would submit that since the civil suit is pending consideration since 21.03.2013, therefore, the trial Court be directed to expedite the trial within the specific time frame.

(5) On the other hand, learned State counsel would oppose the writ petitions and support the impugned order.

(6) I have heard learned counsel appearing for the parties and considered their rival submissions made herein-above and gone through the record with utmost circumspection.

(7) Taking into consideration the fact that the suit is pending since 21.03.2013, it would be expedient to direct the trial Court to decide the suit expeditiously preferably within a period of three months from the date of receipt of certified copy of this order. Ordered accordingly.

(8) Since in this batch of writ petitions, it has been brought to the notice of this Court that the interim order is operating since 30.4.2015, therefore, it is directed that for a period of three months, interim order dated 30.4.2015 shall continue, during which period the civil suit has to be decided.

(9) With the aforesaid observation, the writ petitions stand finally disposed off.

Sd/-
(Sanjay K. Agrawal)
Judge

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