

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.858 of 2018

Haji Mohd. Ilyas, S/o Marhum Mansoor, Aged about 79 years,
Mutwalli, Noori Masjid Ahle Sunnatwal Jamat Kameti, Farid Nagar,
Supela, Bhilai, Tah. and District Durg (C.G.)

---- Petitioner

Versus

Chhattisgarh State Wakf Board Through

1. Mukhya Karyapalan Adhikari, Chhattisgarh State Wakf Board, Sector 3, C-12, Devendra Nagar, Raipur (C.G.)
2. Jahiruddin Siddiqui, R/o Farid Nagar, Supela, Bhilai, Tah. and District Durg (C.G.)

---- Respondents

For Petitioner:	Mr. Rajendra Kumar Patel, Advocate.
For Respondent No.1:	Mr. Prateek Sharma, Advocate, on advance copy.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/10/2018

1. Heard on admission.
2. The petitioner's miscellaneous civil suit for declaring the order dated 28-7-2017 removing him from the post of Mutwalli, null and void, is pending consideration before the Chhattisgarh Wakf Tribunal. Meanwhile, the petitioner filed application for staying the effect and operation of the order removing him from the post of Mutwalli which has been rejected by the learned Wakf Tribunal holding that the petitioner has no prima facie case and balance of convenience also does not lie in his favour and therefore the question of irreparable loss does not arise, against which this writ petition has been preferred.
3. Learned counsel for the petitioner submits that the order impugned is unsustainable and bad in law.

4. On the other hand, learned counsel for the Chhattisgarh State Wakf Board – respondent No.1 opposes the petition and supports the impugned order.
5. The petitioner has already been removed from the post of Mutwalli by order dated 28-7-2017. The Wakf Tribunal has held that he has no prima facie case and validity of the order has to be considered on merits, as the petitioner has already been removed from the post of Mutwalli. The said finding is a finding of fact based on record. Even otherwise, if the order removing him from the post of Mutwalli is stayed, that would amount to final relief at the interim stage which is not permissible in law. I do not find any merit in the petition. The writ petition is accordingly dismissed, *in limine*. However, the Wakf Tribunal is directed to conclude the trial of the said case and pass appropriate order, in accordance with law, within four months from the date of receipt of a copy of this order. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge