

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2964 of 2018

- Haji Mo. Ilyas S/o Marhum Mansoor Aged About 79 Years Mutwalli, Noori Masjid Ahle Sunnatwal Jamat Committee Farid Nagar Supela Bhilai, Tahsil and District Durg Chhattisgarh

---- Petitioner

Versus

Chhattisgarh State Wakf Board Through

1. Chief Executive Officer, Chhattisgarh State Wakf Board, Sector 3, C-12 Devendranagar, Raipur Chhattisgarh
2. Zahiruddin Siddiqui R/o Farid Nagar Supela Bhilai, Tahsil and District Durg Chhattisgarh
3. Collector Karyalaye Collector, Durg, District Durg Chhattisgarh
4. Anubhibhagiya Adhikari Rajasv Durg, District Durg Chhattisgarh
5. Uppanjiyan Sahkari Sanstha Durg, District Durg Chhattisgarh

---- Respondents

For Petitioner	Shri A. W. Khan, Advocate
For Respondent-State	Shri Rajendra Tripathi, PL
For Respondent-Board	Shri Prateek Sharma, Advocate

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

29/10/2018

1. Pursuant to order passed by this Court in WPC No.169/2014, the Competent Authority was required to decide the validity of petitioner's removal from the Office of Mutwalli of Nuri Maszid Ahle Sunnatwal Jamat Committee, Supela Bhilai by affording proper opportunity of hearing to the petitioner. However, as alleged by the petitioner, no opportunity of hearing was provided

and again the petitioner has been removed from the Office vide order dated 28.07.2017. This order is under assail before the Wakf Tribunal.

2. When the Wakf Tribunal refused to stay the order of removal passed against the petitioner, he preferred WP227 No.858/2018, which came to be dismissed by the Coordinate Bench on 05.10.2018.
3. In the present writ petition, the petitioner would assail the validity of the order dated 28.07.2017 on the ground that the same has been passed in violation of the directions issued by this Court in WPC No.169/2014.
4. As long as petitioner's MJC challenging the order dated 28.07.2017 is pending before the Wakf Tribunal, a parallel proceeding is not permissible. Petitioner should continue to prosecute the suit before the Wakq Tribunal. In such MJC, the Wakf Board shall be bound to consider petitioner's plea as to whether subsequent order passed by the Competent Authority on 28.07.2017 was passed after compliance of the directions issued by this Court in WPC No.169/2014 for affording proper opportunity of hearing.
5. The writ petition is disposed of subject to above observation.

Sd/-
Prashant Kumar Mishra
Judge

Nirala