

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3148 of 2018**

1. Bashir Khan S/o Nazir Khan Aged About 80 Years
2. Sabir Ali S/o Late Vajid Khan Aged About 50 Years
3. Zakir Mohammad S/o Shakoor Aged About 65 Years
4. Mohammad Sharif S/o A Raheem Aged About 55 Years

All R/o Village Lutra Shareef P.O. Khamaria District Bilaspur
Chhattisgarh.

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Ministry Of Minority Affairs Mahanadi Bhavan Raipur Chhattisgarh.
2. Chhattisgarh State Waqf Board Through Chief Executive Officer Sector -3, C-12, Devendra Nagar Raipur CG 492001.
3. The Collector District Bilaspur Chhattisgarh
4. Sub Divisional Magistrate Masturi District Bilaspur Chhattisgarh.
5. Management Committee Dargah Lutra Shareef Through Akbar Bakshi S/o Anwar Bakshi Po Khamaria District Bilaspur Chhattisgarh.

---- **Respondent**

For Petitioners	Shri S.P. Rai, Advocate
For Respondent/State	Ms Astha Shukla, Panel Lawyer
For Respondent/Waqf Board	Shri Prateek Sharma, Advocate
For Respondent No.5	Ms Hamida Siddiqui, Advocate

Order On Board**By****Prashant Kumar Mishra, J.**

19/11/2018

1. Petitioners would assail the order passed by the Chhattisgarh State Waqf Board under the provisions of Section 64 of the Waqf Act, 1995.
2. The order impugned has been passed against Man Khan, Sher Mohammad & Hazi Ikhlal and not against the petitioners.
3. It is informed that one or all the persons against whom the Waqf Board has passed the impugned order has already preferred appeal before the Waqf Tribunal, Chhattisgarh, therefore, since two parallel proceedings should not be permitted before two different forums against the same order, the writ petition is not maintainable.
4. Accordingly, the writ petition is dismissed.
5. However, without commenting on the locus of the petitioners, it is observed that the petitioners may prefer appeal or intervention in the appeal pending before the Waqf Tribunal, if the law so permits. In such eventuality, the Tribunal shall not treat this liberty to be an opinion on the petitioners locus and the same shall be examined independently by the Tribunal without being influenced by this order.

Sd/-

Judge

Prashant Kumar Mishra

Gowri