

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.311 of 2019**

=====

Syed Adil Hussain son of Late Syed Sayeed Akhtar, Resident of Mohalla-Bari
Karbala, P.S- Town (Muzaffarpur), District- Muzaffarpur

... .. Appellant/s

Versus

1. The Chairman, Bihar State Shia Waqf Board, Second Floor, 34 Haj Bhawan,
Ali Imam Path, Harding Road, Patna
2. The Chief Executive Officer, Bihar State Shia Waqf Board, Second Floor,34
Haj Bhawan, Ali Imam path, Harding Road, Patna
3. The Bihar Waqf Tribunal, 34 Ali Imam Path, Harding Road, Patna
4. The Chairman, Bihar Waqf Tribunal, 34 Ali Imam path, Harding Road,
Patna

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Wasi Ahmad Khan, Advocate

For the Respondent/s : Mr.Syed Asgher Najmi, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT**

Date : 11-03-2019

Heard learned counsel for the petitioner.

2. Delay of one day caused in filing the appeal
is condoned.

3. This application under Article 227 of the
Constitution of India has been filed by the petitioner for
quashing the order dated 17.12.2018 passed by the Bihar Waqf
Tribunal, Patna whereby the Board allowed the defendants to
file written statement in the interest of justice after they were
debarred from filing written statement.



4. Sub-section (9) of Section 83 of the Wafq Act, 1995 provides that no appeal shall lie against any decision or order whether interim application or otherwise passed by the tribunal is established under the Act.

5. The proviso to sub-section(9) of Section 83 provides that a High Court may, on its own notion or on application of the Board or any person aggrieved, call for and examine the records relating to any disputes, question or other materials which has been determined by the Tribunal for the purpose of satisfying itself as to the coconfirm, reverse or modify such determination or pass such other order as it may think fit.

6. In terms of the proviso to sub-section (9) of Section 83 of the Act, any person aggrieved by the orders of the Tribunal can invoke the revisional jurisdiction of the High Court.

7. In view of the statutory remedy of revision being available to the petitioner against the order impugned, I am not inclined to entertain this application in supervisory jurisdiction under Article 227 of the Constitution of India.

7. Accordingly, the application is dismissed.

8. However, the petitioner would be at liberty



to invoke the proviso to sub-section(9) of Section 83 of the
Waqf Act, 1995 for the redressal of his grievance.

(Ashwani Kumar Singh, J)

Md. S/SKSuman.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.03.2019
Transmission Date	

