

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3550 of 2019

1. Arbind Kumar, Sex – Male, aged about 30 years,
2. Ashok Kumar, Sex -Male, aged about 33 years,
Both are son of Ram Keshav Prasad Resident of Kandadi, P.O. Goshiya Kala, P.S. Bikramganj, District- Rohtas.

... .. Petitioners

Versus

1. The State of Bihar
2. The D.C.L.R., Bikramganj(Rohtas) P.S. Bikramganj, District- Rohtas, Pin- 802212
3. The Circle Officer, Bikramganj, Rohtas, P.S. Bikramganj, District- Rohtas, Pin- 802212
4. The Executive Officer, Bihar State Sunny Waqf Board, Haj Bhavan, Patna-1, IInd Floor.
5. The Secretary, Jama Masjid, Goshiya Kala, P.S. Bikramganj, P.O. Goshiya Kala, Distt. Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s :

For the Respondent/s : Mr.Anjum Akhter, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-07-2019 No one appears on behalf of the petitioners. Learned counsel for the Bihar State Sunni Waqf Board (respondent no. 4) is present.

It appears from perusal of the writ application that the petitioners have moved this court for a direction to the respondents to record the name of petitioners in respect of Khata No. 85, Plot No. 151 measuring area 17 decimals under Mauza Dafaldih under Thana Anchal Bikramganj, which, accordingly to him, has been wrongly and by mistake recorded in the name



of Jama Maszid, Gushiya Kala. The petitioners also pray that the respondent nos. 4 & 5 be directed to produce the paper regarding the said land, as according to the petitioners, the private respondent has wrongly claiming the land in his favour.

The petitioners claimed that they had purchased the land in question vide registered sale deed dated 04.04.2000 by one Takadir Ahmad who was the grand-son of Most. Bibi Nayeemum Nisha. A perusal of the writ application shows that the matter relates to a dispute with respect to piece of land which is being claimed by Jama Maszid and it has been recorded in the government record in the name of Jama Maszid, Gushiya Kala.

Learned counsel for the respondent no. 4 submits that the dispute in question may only be raised before the Tribunal in terms of Section 83 of the Waqf Act, 1995. Learned counsel further submits that in view of the decision of the learned coordinate Bench of this court in case of **Md. Wasiur Rahman and others Vs. State of Bihar and Anr.** Reported in **2018 (3) PLJR 222**, a writ application cannot be maintained and any order of the tribunal passed under section 83 would be a revisable order in terms of Section 83(9) of the Waqf Act.

In the aforesaid view of the matter, this court finds



that the petitioners have got a remedy available before the Tribunal constituted under Section 83 of the Waqf Act and hence the writ application is not fit to be entertained.

This writ application is disposed of with liberty to the petitioners to move before the Tribunal in accordance with law.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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