

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5627 of 2019

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Ziyouddin @ Md. Ziyouddin Khan, son of Late Md. Zamir Khan, resident of
Mohalla- Badi Nagla Malsalami, P.S.- Malsalami, District- Patna- 800008.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary of Minority Welfare,
Bihar, Patna.
2. The Chairman, Bihar State Sunni Wakf Board, Bihar, Patna.
3. The Chief Executive Officer, Bihar State Sunni Wakf Board, Bihar, Patna.
4. The District Magistrate, Patna.
5. The Sub-Divisional Officer, Patna East, District- Patna.
6. Shri Surendra Kumar, son of Late Rampreet Singh, resident of Mohalla-
Badi Nagla Main Road, Malsalami, P.S. Marsalami, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Yadav, Adv. Mr. Fakhruddin Ali Ahmad, Adv.
For the Respondent/s	:	Mr. Durgesh Nandan, AAG-14.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 26-03-2019

The petitioner prays for a direction to the respondents to take steps as per the statutory provisions underlying the Wakf Act, 1995 (hereinafter referred to as 'the Act') for removal of the alleged encroachment over Wakf Estate No.1284, Plot Nos.536 and 537 situated at Mohalla- Badi Nagla Malsalmi, Main Road, P.S.- Malsalami, Patna City, Patna by the respondent no.6.

Having considered the submissions of Mr. Gautam



Kumar Yadav, learned counsel appearing for the petitioner and Mr. Durgesh Nandan, learned Additional Advocate General No.14, we are of the view that where the statute provides for a remedy then the complainant concerned needs to take recourse thereto rather than to move in a Public Interest Litigation. We thus allow the petitioner to exhaust the remedy so available to him under 'the Act' and it goes without saying that if any such complaint is made by the petitioner, the same would be taken to its logical conclusion by the statutory authority in accordance with law and with due opportunity of hearing to the petitioner and the alleged encroachers preferably within a period of six months of its filing.

With the observation above, we dispose of the writ petition.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Anjula/skpathak

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.04.2019
Transmission Date	NA

