

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.402 of 2019**

Md. Masre Alam Khan Son of Late Ataul Rahman Khan, Resident of
Mohalla-Ramna Road, P.O.-Bankipur, P.S.-Pirbahore, District-Patna

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary Revenue and Land Reforms Govt. of Bihar, Patna
2. The Presiding Officer, Bihar State Waqf Tribunal, Patna, Haz Bhawan, 3A, Ali Imam Path, Harding Road, Patna
3. The Executive Officer, Bihar State Waqf Tribunal, Patna Haz Bhawan, 3A, Ali Imam Path, Harding Road, Patna
4. Md. Anwarul Haque Son of Late Ehteshamul Haque, Resident of Mohalla-Ramna Road, P.O.-Bankipur, P.S.-Pirbahore, District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhirendra Singh
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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

2 04-04-2019 It is submitted by the learned counsel for the petitioner that erroneously this application has been filed under Article 227 of the Constitution of India. The challenge to the order passed by the Bihar State Waqf Tribunal can only be made by way of filing a revision application in view of the statutory provision prescribed under Section 83(9) of the Wakf Act, 1995.

In view of the aforesaid provision of the Wakf Act as also the judgment of this Court in *Wasiur Rahman Vs. The State of Bihar*, since reported in **2018(3) PLJR 222**, learned counsel for the petitioner seeks leave to withdraw the present application with liberty to file a revision application under



Section 83(9) of the Wakf Act in the same subject matter.

Leave is granted. The application is disposed of.

(Ashwani Kumar Singh, J)

pradeep/sneha

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