

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.333 of 2018

In

Civil Writ Jurisdiction Case No.16745 of 2014

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1. Jagdish Prasad, Son of Late Ramashray Prasad, resident of Village and P.O.- Amrakh, P.S.- Maniari, District- Muzaffarpur.
 2. Bhikhari Roy, Son of Bhonu Roy, resident of Village and P.O.- Amrakh, P.S.- Maniari, District- Muzaffarpur.

... .. Petitioners

Versus

1. The State of Bihar
2. The District Magistrate Muzaffarpur, District- Muzaffarpur.
3. The Sub Divisional Magistrate West- Muzaffarpur, District- Muzaffarpur.
4. The Bihar State Waqf Tribunal, 34 Ali Imam Path Hardind Road, Patna.
5. The Bihar State Sunni Waqf Board, through its Chief Executive Officer, 2nd Floor, Haj Bhawan, 34 Al
6. The Chairman, Bihar State Sunni Wakf Board, 2nd Floor, Haj Bhawan, 34 Ali Imam Path Hardind Road,
7. The Chief Executive Officer The Bihar State Sunni Wakf Board, 2nd Floor Haj Bhawan, 34 Ali Imam Pat
8. Md. Murtuza, Son of Late Md. Khalil, resident of Village and P.O.- Amrakh, P.S.- Maniari, District- Muzaffarpur.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar-Advocate

For the Opposite Party/s : Mr. Gyan Prakash Ojha-GA- 7

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 18-09-2019 Heard learned counsel for the petitioners.

This application under Article 226 of the Constitution of India has been filed by the petitioner for restoration of C.W.J.C. No.16745 of 2014 to its original file, which has been dismissed for want of prosecution vide order dated 02.01.2018.

It is submitted by the learned counsel for the



petitioners that one of the advocates on record Md. Anis Akhtar, at the relevant time, when the case was called out, was arguing a case before another Bench and another advocate, namely, Mr. Arif Daula Siddiqui could not come to the Court as he was indisposed on 02.01.2018 as a result of which, the case went unattended and was dismissed for want of prosecution. He has further submitted that failure to the attendance, the court proceedings on 02.01.2018 by the advocate was neither wilful nor intentional.

Having regard to the submission advanced at the bar, the application is allowed. M.J.C. No.333 of 2018 is allowed.

C.W.J.C. No.16745 of 2014 is restored to its original file.

Civil Writ Jurisdiction Case No.16745 of 2014

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Appearance:-

For the Petitioner : Mr. Md. Anis Akhtar-Advocate
For the Opposite Parties : Mr. Gyan Prakash Ojha-GA-7

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At the outset, it is submitted by the learned counsel for the petitioners that in view of the provisions prescribed under Section 83(9) of the Waqf Act, 1995 and the judgment of this Court in **Md. Wasiur Rahman and another vs. the State of Bihar through the Collector, Sitamarhi and others** since reported in **2018(3) P.L.J.R. 222**, the petitioner may be permitted to withdraw the application with liberty to file a revision application in accordance with law.

Leave is granted.

The application is disposed of.

(Ashwani Kumar Singh, J)

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