

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 1157 of 2019

Haji Mohd. Ilyas S/o Marhum Mansur Aged About 79 Years Mutvalli, Nuri Masjid Ahle Sunnatwal Jamat Cometi Farid Nagar Supela Bhilai, Tahsil Va Jila Durg Chhattisgarhah
District : Durg, Chhattisgarh

--- **Petitioner**

Versus

1. Chhattisgarh State Wakf Board through Mukhya Karyapalan Adhikari, Chhattisgarh Rajya Wakf Board, Sector 3, C-12 Devendranagar, Raipur District : Raipur, Chhattisgarh
2. Jahiruddin Siddqui Nivasi - Farid Nagar Supela Bhilai, Tahsil Va Jila Durg Chhattisgarh., District : Durg, Chhattisgarh
3. Collector Karyalay Collector, Durg Jila Durg , District : Durg, Chhattisgarh
4. Anuvibhagiy Adhikari Rajswa Durg Jila Durg ., District : Durg, Chhattisgarh
5. Uppanjiyan Sahkari Sanstha Durg, Jila Durg , District : Durg, Chhattisgarh

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10.04.2019	Mr. Rajendra Kumar Patel, counsel for the petitioner. Mr. Sumit Singh, Panel Lawyer and Mr. Prateek Sharma counsel for the respective respondents. The instant petition is against the order dated 28.11.2018 passed by the Chhattisgarh State Wakf Board whereby the petitioner who was working as Mutawalli of Noori Masjid Ahle Sunnatwal Jamat Committee, Farid Nagar, Bhilai, has been directed to hand over the charge and all the documents to the Collector. During the course of arguments, it is stated that the petitioner has already been removed from the post of Mutawalli in exercise of power under section 64 of the Wakf Act 1985. It is further contended that the petitioner has challenged such removal before the Wakf Tribunal. A perusal of the order dated 28.11.2018 (Annexure P-1) would show that it is only a ministerial work that after his removal the petitioner has been directed by the CEO of the Wakf Board to	

R a o	hand over the charge to the Wakf Board. The fact of removal of Mutawalli under Section 64 would have its immediate effect which would envelop the fact that all the documents and charge have to be handed over. If such removal, as has been stated, is already under challenge before the Wakf Tribunal, then it is open to the petitioner to raise all his contentions before the Wakf Tribunal as under section 64 sub-section 4 of the Wakf Act, the Wakf Tribunal is the adjudicating authority to decide the matter. Accordingly, the petition is not tenable and is dismissed. Sd/- GOUTAM BHADURI JUDGE	
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