

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2540 of 2014

Mohammad Rahmat Khan S/o Haji Mohammad Shakri Khan Aged
About 54 Years R/o Nawagarh, PS & Tahsil Ambikapur, District
Surguja, Chhattisgarh **--- Petitioner**

Versus

1. State of Chhattisgarh through Secretary, Department of Wakf and Trust, Mahanadi Bhawan, New Mantralaya, Raipur, Chhattisgarh
2. The Chairman Wakf Board Chhattisgarh, Devendra Nagar, Raipur, District : Raipur, Chhattisgarh
3. The Chief Executive Officer, Wakf Board, Devendra Nagar, Raipur, District : Raipur, Chhattisgarh
4. The Collector Ambikapur, District : Surguja (Ambikapur), Chhattisgarh
5. The Sadar/mutawalli, Anjuman Islahul Muslemain Wakf Board Intezamiya Committee, Ambikapur, District : Surguja (Ambikapur), Chhattisgarh
6. The Secretary Anjuman Islahul Muslemin Wakf Board Intezamiya Committee, Ambikapur, District : Surguja (Ambikapur), Chhattisgarh **--- Respondents**

For Petitioner	:	Shri Prakash Tiwari, Advocate
For Respondents/State	:	Mr. Avinash Singh, PL
For respondent No.2 & 3	:	Mr. Prateek Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03-09-2019

1. Heard.
2. This writ petition has been filed for grant of the main following relief(s).

“10.2 That this Hon'ble Court may kindly be pleased to set aside the order impugned dated 30.12.2013 passed by respondent No.3 (Annexure P-1).”

10.3 That this Hon'ble Court may kindly be pleased to direct respondent no.3 to cancel the registration of election of Anjuman Islahul Muslemin Wakf at Ambikapur and also direct to initiate appropriate proceeding for fresh election of the aforementioned Committee in terms of "Dastrul Amal" (Constitution) of the Anjuman Islahul Muslemin Wakf at Ambikapur.

10.4 That this Hon'ble Court may kindly be pleased to direct respondent no.3 to make an entry in the register of Wakf (Auqaf Panji) in terms of Section 37 of the Wakf Act 1995, after commencement of fresh election of aforementioned Committee."

3. Learned counsel for the petitioner would submit that the election of the persons vide Annexure P-1 is opposed as in fact no election was conducted whereas the bye-laws i.e., which is termed as *Dustrul Amal (Annexure P-2)* prescribed at Para 9 that in every 5 years, a new Committee would be elected. It is stated that the respondents may be directed to conduct the election following the bye-laws of the Wakf. The relief(s) so claimed by the petitioner cannot be granted at this stage since the election which has been prayed to be set aside is of the year 2013 and by now more than 5 years have elapsed. Therefore, by efflux of time, the petition has become infructuous.
4. It is however observed that in the near future if the elections are conducted, the Committee shall follow their bye-laws *Datstrul Amal (Annexure P-2)* in its true object and spirit.
5. With the above observation, this writ petition is dismissed as infructuous.

Sd/-

(Goutam Bhaduri)
Judge