

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 269 of 2019**

Urs Sanchalak Board Anjuman Islahul Muslemin Ambikapur, Through Its General Secretary, Irfan Siddiqui, R/o Abdul Rasheed Siddiqui, Aged About 56 Years, (Wrongly Written As 40 Years) R/o Sadar Road, Ambikapur, Police Station Ambikapur, District Surguja Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Collector, District Surguja (Ambikapur) Chhattisgarh
2. The Superintendent Of Police, District Surguja, District Surguja (Ambikapur) Chhattisgarh
3. The Station House Officer, Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh
4. Afjaal S/o Mumtaj Aged About 45 Years R/o Sadar Road Ambikapur, Police Station Ambikapur, District Surguja (Ambikapur) Chhattisgarh
5. Pikku Khan S/o Late Mukhtar Khan Aged About 35 Years R/o Sadar Road Ambikapur, Police Station Ambikapur, District Surguja (Ambikapur) Chhattisgarh
6. Rizwan S/o Ehsanulla Siddiqui Aged About 35 Years R/o Sadar Road Ambikapur Police Station Ambikapur District Surguja (Ambikapur) Chhattisgarh
7. Ramjan Ansari S/o Nijamuddin Ansari, Aged About 30 Years Presently Working As Up Sarpanch, Gram Panchayat Ranpurkhurd, Janpad Panchayat, Ambikapur, District Surguja (Ambikapur) Chhattisgarh

---- Respondents

For Appellant	:	Mrs. Hamida Siddiqui, Advocate
For State/respondent	:	Mr. Siddharth Dubey, G.A.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Manindra Mohan Shrivastava, Judge****Order On Board****Per Manindra Mohan Shrivastava, J.****16/05/2019**

Heard.

1. This writ appeal is directed against order dated 30.04.2019 in WPC No.1571 of

2019 passed by learned Single Judge directing that the Collector, subsequent to the Urs, shall conduct the enquiry on the complaint made by the writ petitioner and to ensure that extraction of money by force may not take place at the behest of private persons, whoever may be, or anyone in the name of celebration of Urs.

2. Learned counsel for the petitioner would submit that the aforesaid direction was issued by learned Single Judge at the first instance without giving any notice or affording any opportunity of hearing. Learned counsel for the petitioner would further submit that as far as the writ appellant/ the respondent in the writ petition is concerned, they are managing the affairs of the waqf in accordance with the provision contained in the Waqf Act, 1995. The writ petitioner suppressed the fact that earlier when he attempted to interfere with the Urs celebration and other affairs of the waqf, on complaint being made by the appellant herein, Waqf Board had requested the Collector, being the Commissioner, Survey under the Waqf Act to take necessary action. Learned counsel for the appellant would further argue that the Collector is not authorized under the law to enquire into the internal affairs of the management of waqf including any event organized by it.

3. Having gone through the order passed by learned Single Judge, we find that there is no adverse finding recorded against the appellant herein. It appears that on a complaint being made that during Urs celebration, there is recovery of money by adopting arm twisting method, the petition was disposed off with the direction to the Collector to hold an enquiry. The direction, in terms, does not authorize the Collector to usurp the statutory power of competent authority under the Waqf Act in the matter of management or other enquiry that may be made with regard to affairs of waqf. The direction, as we see, is only confined to enquiry into the matter of complaint regarding extortion of money by force and nothing more. We also find that in the order, there is no observation made against the petitioner that he has been found indulged in any such activities. All that has been directed is to hold an enquiry. Therefore, in our opinion, the order does not in any manner adversely affect any of the rights of the appellant.

4. By way of abundant caution, we would hasten to add that if any enquiry is conducted by the Collector which involves any allegation of extorting money by the writ appellant, the Collector shall afford the appellant also a reasonable opportunity of being heard before taking any decision on those complaints. We further add that if in the enquiry, it is found by the Collector that the complaint was fictitious, motivated or false, it will be open for the Collector to take appropriate action against the complainant also.

5. Subject to the aforesaid observations, the writ appeal is dismissed.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Manindra Mohan Shrivastava)
Judge