

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4429 of 2019**

Abdul Haider S/o Abdul Hafiz Aged About 50 Years R/o Nayapara, Durga Chowk, P.O.- Baloda-Bazar, P.S.- Baloda-Bazar, Tehsil Balodabazar-Bhatapara, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh R/o Through Secretary, Ministry Of Minorities Welfare Wakf, Mantralaya, Mahanadi Bhawan, Naya Raipur, Revenue And Civil District- Raipur, Chhattisgarh.
2. Chhattisgarh State Waqf Board Through Its Chief Executive Officer, Ambedkar Chowk, Near Ghadi Chowk Raipur, District- Raipur, Chhattisgarh
3. District Magistrate (Collector) Baloda-Bazar Bhatapara, District- Balodabazar-Bhatapara, Chhattisgarh.
4. Saiyad Aarif Ali (Aspirant Candidate) Who Contested In Election For The Post Of Mutwalli Of Sunni Jama Masjid, Intejamia Committee Baloda-Bazar, R/o Main Road Baloda-Bazar, Tehsil Balodabazar, District- Balodabazar-Bhatapara, Chhattisgarh.
5. Mohd. Saleem Khan (Aspirant Condidate) Who Contested In Election For The Post Of Mutwalli Of Sunni Jama Masjid, Intejamia Committee Baloda Bazar, R/o Main Road Baloda-Bazar, Tehsil Baloda-Bazar, District- Balodabazar-Bhatapara, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Surfaraj Khan, Advocate
For State	:	Mr. Ayaz Naved, G.A.
For Respective Respondents	:	Mr. Prateek Sharma, Advocate
		Mr. Mateen Siddiqui, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05/12/2019**

1. The relief sought for by the petitioner in the present writ petition is for quashment of an election process said to have been conducted for election of the Mutwalli of Sunni Jama Masjid, Intejamia Committee, Baloda Bazar and also for quashment of the appointment/election, if any that was held on 07.11.2019. The petitioner has also prayed for a direction to the respondent authorities to appoint a Mutwalli of the

said Intejamia Committee, Baloda Bazar as per the procedure prescribed under the Wakf Act.

2. The learned counsel appearing for the respondent No.2- The Chhattisgarh State Waqf Board on instructions has categorically made a statement before this Court that Annexure P/2, which is a notice of election dated 01.11.2019 has never been issued either by the Wakf Board or issued under the instructions of the respondent No.2-Wakf Board. He has totally denied any such communication or correspondence to have been made or issued at the behest of the respondent No.2.
3. At the same time, the counsel for the respondent No.2 submits that on 08.11.2019 invoking the provisions of Section 63 of the Wakf Act, 1995, the respondent No.2 have appointed a Mutwalli Committee on 08.11.2019. He further submits that the said Committee has not been instituted pursuant to any election as per the alleged notice dated 01.11.2019. He submits that the appointment of the Mutwalli Committee on 08.11.2019 is purely in accordance with the powers that have been conferred upon the Board as per the provisions of Section 63 of the said Act.
4. Given the said facts that the respondent No.2 makes a statement that the Mutwalli Committee made on 08.11.2019 not being by way of an election and the appointment made on 08.11.2019 being in accordance with the provisions of Section 63 of the Act, this Court is of the opinion that the remedy which now lies to the petitioner would be to challenge the order dated 08.11.2019 passed by the respondent No.2-Board before the Tribunal in accordance with the

provisions of Section 63 of the Act. The order dated 08.11.2019 is not one which is under challenge in the present writ petition.

5. Under the circumstances the present writ petition fails and is accordingly rejected. Reserving the rights of the petitioner to avail other remedies open to him under the Act of 1995.

Sd/-
(P. Sam Koshy)
Judge

Ved