

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15535 of 2018

Meer Arshad Hussain Son of Late Reyaz Ahmad Secretary-Shahi Zama Masjid, Biharsharif, Residing at Basera House, Mohalla Kashi Takiya, Police Station-Biharsharif, District Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna
3. The Principal Secretary, Minority Welfare Department, Government of Bihar, Patna
4. The District Magistrate-cum-President of Soghra Waqf Estate, Nalanda at Biharsharif
5. The Sub-Divisional Officer, Nalanda, Biharsharif
6. The Chief Executive Officer, Bihar State Sunni Waqf Board at Haj Bhawan, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar Singh
For the Respondent/s : Mr.Durgesh Nandan- Aag14

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 04.08.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following relief:

“(i) For issuance of writ in the nature o mandamus
or any other appropriate writ for directing the
respondent authorities to remove the Mutawali of
Soghra Waqf Estate, Biharsharif in view of the



inquiry report of the SDO, Biharsharif and the report of the Three Man Committee/High Level Committee.

(ii) For directing respondent authorities to follow the procedure in accordance with the Waqf Act, 1995 and not to permit the Mutawali to act in contravention to the provisions of the Waqf Act by removing him from the said post.

(iii) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.



We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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