

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9809 of 2019

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Syed Kamran Ali S/o Late Syed Kazim Ali Resident of Kazmi Begum Compound, Guzri Bazar, P.s.- Khajekalan, Patna City, distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Minority Welfare Department, Govt. of Bihar, Old Secretariat, Patna
2. The Bihar State Shia Wakf Board through its Chairman, 2nd Floor, Haj Bhawan-34, Ali Imam Path, Harding Road, Patna-800001
3. The Secretary Bihar State Shia Wakf Board, 2nd Floor, Haj Bhawan-34, Ali Imam Path, Harding Road, Patna-800001
4. The Chief Executive Officer Bihar State Shia Wakf Board, 2nd Floor, Haj Bhawan-34, Ali Imam Path, Harding Road, Patna-800001

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Dular Sah, Advocate
For the Respondent/s : Mr. Kapileshwar Kumar (GP 11)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-01-2020 The petitioner has approached this Court for a direction to the respondent Bihar State Shia Wakf Board to appoint the petitioner as a Mutawalli of Md. Raza Khan Wakf Estate No. 16 and 17 situated at Guzri Bazar, Khajekalan, Patna City. The petitioner claims to be the heir of erstwhile Mutawallis viz. Walihunnisa Begum and Kaniz Soghra.

It has further been submitted that according to the deed of the Wakf, only the heir of Mutawalli shall be



appointed Mutawalli on the demise of such Mutawalli. A copy of such deed has not been brought on record on the specious plea that the relevant deed is placed before the Shia Wakf Board. It is difficult for this Court to accept the submissions of the petitioner in that event. The pleadings are absolutely lacking in material particulars.

However, on this point being noted, the learned advocate for the petitioner submitted that in case the petitioner is given an opportunity of representing his case before the Secretary, Bihar State Shia Wakf Board for the needful, he would stand satisfied.

This Court does not find it difficult to allow such a prayer of the petitioner.

In case a representation is filed by the petitioner before the Secretary, Bihar State Shia Wakf Board (respondent no. 3) seeking his appointment as Mutawalli, the concerned respondent shall look into the entire matter including the entitlement of the petitioner



and the law in that regard as well as his own competence of appointing the Mutawalli and only thereafter shall pass an order within a period of six weeks which shall be communicated to the petitioner forthwith.

With the aforesaid direction/observation, the petition is permitted to be withdrawn.

(Ashutosh Kumar, J)

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