

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12301 of 2018

=====

Mirza Wasim Haider S/o Mirza Sulaiman Haider R/o Mohalla Moghalpura,
Foujdari Kuan, P.S. - Khajekalan, District - Patna - 800008.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary Minority Welfare Department, Government of Bihar, Old Secretariat, Patna-15.
2. The Bihar State Shia Waqf Board, through its Chief Executive Officer, 2nd Floor, Haj Bhawan, 34, Ali Imam Path, Harding Road, Patna – 800001.
3. Sri Syed Ghulam Hussan, resident of Line Bazar, Purria.
4. Sri Syed Israr Hussain, Soghra Begarn Waqf Estate, Waqf No. 64, Muzaffarpur, Chandwara, Muzaffarpur.
5. Sri Irshad Ali Azad Villa, River View Colony, Loharwa Ghat Alamganj, Patna - 800007.
6. Moulvi Sarwar Qummi, Imam Shia Jama Masjid, Hat Churipatti, Kishanganj, Bihar.
7. Mirza Arif Raza, Chandwara Muzaffarpur.
8. Sri S.M. Shamim Rizvi, Waqf Estate House, P.O. - Gulzarbagh, Patna - 7.
9. Sri Wasif Hussain, Pakdariba Lane, P.S. Khaje Kalan, P.O. Jhauganj, Patna City, Patna - 800008.

... .. Respondents.

=====

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.Durgesh Nandan- AAG14

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-12-2020

Petitioner has prayed for the following relief(s):

“A) For quashing the notification of Minority Welfare Department, Government of Bihar in exercise of its power U/s 14(i)(B) of Wakf Act-1995 as contained in No. 02-01 Shia-11/2015-1336 dated 04.09.2015 issued by Amir Subhani,



Principal Secretary to the Government of Bihar whereby and whereunder respondent no. 3 to 9 have been notified to have been appointed as members of Bihar State Shia Wakf Board constituted U/s 14((9) of the Wakf Act 1995.

B) For quashing the notice as contained in 02-01/Shia-11/2015-58 dated 04/09/2015 issued by Principal Secretary to Government of Bihar Department of Minority Welfare, authorized officer to conduct election with the newly appointed Member State Shia Wakf Board to participate in the meeting convened on 11/09/2015 at 2.30 P.M. for the election of the Chairman of Bihar State Shia Wakf Board U/s 14(8) of the Wakf Act, 1995.

C) For quashing the subsequent proceeding dated 11/09/2015 at 2.30 P.M. where under Sri Irshad Ali Azad, respondent no. 5 has been declared elected as Chairman of newly constituted Bihar State Shia Wakf Board who had secured 4 Votes out of total 7 Votes and rest 3 votes went to runny candidate Syed Ghulam Hussain, respondent No. 3.”

Despite repeated calls, none has entered appearance on behalf of the petitioner. We find that the petitioner has laid challenge to the constitution of the Board vide a notification dated 4th of September, 2015 and, as such, with the passage of time, the present petition to have become infructuous.

As such, petition is disposed of.

Liberty is reserved to the writ petitioner to agitate the surviving grievances, if any, before the appropriate authorities or file a fresh petition in accordance with law on the



same and subsequent cause of action, if so required and desired.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.12.2020
Transmission Date	

