

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18293 of 2019

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Bihar State Sunni Waqf Board through its Chief Executive Officer namely
Wazain Uddin Ansari (Male-aged about 59 years) Son of Nasirun Uddin
Ansari, R/o Rukunpura, B.V. College, Danapur, P.S. Rupaspur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Urban
Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Urban Development Department,
Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Road Construction, Govt. of Bihar,
Patna.
4. The Divisional Commissioner, Patna Pramandal, Patna.
5. The District Magistrate, Patna.
6. The Additional District Magistrate (L and O), Patna.
7. The Circle Officer, Patna Sadar, Patna.
8. The Patna Municipal Corporation through its Commissioner, Maurya Lok,
Patna.
9. The Commissioner, Patna Municipal Corporation, Maurya Lok, Patna.
10. Director, Urban Planning, Patna Nagar Nigam, Maurya Lok Complex,
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar (SC9)
		Ms. Deepika Sharma, AC to SC-9
For the Corporation	:	Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER



4 07-01-2020 Heard Mr. Brij Bihari Tiwary, learned counsel for the petitioner / Bihar State Sunni Waqf Board; Mr. Prasoon Sinha, learned counsel for the Municipal Corporation; and Ms. Deepika Sharma, for the State.

The petitioner has approached this Court for a direction to the respondent not to disturbed the grave-yards situated on Plot No. 175 having an area of 87 decimals and Plot No. 172A having an area of 7 decimals as also for a further declaration that the aforesaid plots are grave-yards which are being used for Muslim community since times immemorial.

Both the prayers made in the writ petition are unnecessary in view of the following facts:

A title suit had been filed by Bihar State Sunni Waqf Board and others in which Patna Regional Development Authority was one of the parties. The suit was decreed in favour of the petitioner / Sunni Waqf Board and the area in question which corresponds to the area referred to in the writ petition was declared to be a



grave-yard. At one point of time when a demolition drive had been taken up by the Patna Regional Development Authority, a provision was made by a Bench of this Court that no action shall be taken without proper measurement of the land in question. Till date, no measurement had been taken. However, when some of the shop-keepers of the shops which were erected on the flank of the grave-yard apprehended the demolition of those shops, they approached this Court for a suitable direction. In the aforesaid writ petition, it was directed that unless measurement as directed earlier is made, no action shall be taken with respect to demolition of those shops.

As on date, the stand of the Patna Municipal Corporation is that the land which has been decreed is a grave-yard and the Corporation does not have anything to do with the aforesaid land.

A title appeal against the aforesaid decree is pending adjudication.



In that view of the matter, both the prayers made in the writ petition do not provide any lis to be decided by this Court.

No order thus need be passed in the present writ petition.

The writ petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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