

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4749 of 2019**

Mufti Umar Faruque Mondal S/o Ansar Ali, Aged About 23 Years, R/o
Sunni Husaini Masjid, Talapara, Bilaspur, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Scheduled Caste/Scheduled Tribe Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh
2. Collector Bilaspur, District Bilaspur, Chhattisgarh
3. Sub Divisional Officer Bilaspur, District Bilaspur, Chhattisgarh
4. Chhattisgarh State Wakf Board Through The Chief Executive Officer, Office At Near Ambedkar Statue, Collectorate Chowk, Raipur, District Raipur, Chhattisgarh
5. Sayeed Ahmad Khan R/o Talapara Sunni Hussain Masjid, District Billaspur, Chhattisgarh
6. Station House Officer, Police Station Civil Line, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sumit Singh Rathore, Advocate
For State	:	Mr. Ayaz Naved, Govt. Advocate
For Respondent no.4	:	Mr. Prateek Sharma with Ms. Prakriti Jain, Advocates

Hon'ble Shri Justice P. Sam Koshy**Order On Board****03.01.2020**

1. The grievance of the petitioner in the present writ petition seems to be

hindrance/hurdle created by respondent no.5 in discharging duties as Paish Imam in Sunni Hussain Masjid, Talapara, Bilaspur.

2. The dispute primarily seems to be on the objections of respondent no.5 who was earlier the Mutwalli of the said Mosque and was removed by the Waqf Board vide order dated 11.12.2017. It is said that the removal of respondent no.5 from the post of Mutwalli is under challenge before the Wakf Tribunal. Meanwhile, worshipers of the aforementioned mosque has appointed the petitioner as Paish Imam (a person who leads the congregation in prayers made at the mosque). However, it seems that respondent no.5 has been obstructing the petitioner from discharging his duties as Paish Imam as alleged by the petitioner. The petitioner has enclosed a document of the Chhattisgarh Waqf Board Annexure P-1 dated 26.08.2019 whereby certain directions were issued to respondent no.5 asking him to restrain himself from creating hurdles to the petitioner in discharging his duties as a Paish Imam. According to the petitioner, in spite of specific directions issued by the respondent no.4 Board vide their correspondence dated 26.08.2019, respondent no.5 is still creating obstacles in discharging duties of the petitioner as Paish Imam. According to the petitioner, he has already approached respondents 2 & 4 in this regard but he has not got any relief from either of the respondents.
3. Section 28 of the Waqf Act confers certain powers upon the District Magistrate, Additional District Magistrate or Sub Divisional Magistrate. Likewise, Section 32 also provides certain powers on the Waqf Board so far as the administration of Auqaf.
4. Given the aforesaid provisions of law and also taking into consideration

the peculiar grievance that the petitioner has raised, this Court is of the opinion that the grievance of the petitioner could be best redressed by the respondents 2 & 4. The petitioner seems to have already approached both these authorities. Therefore, it is expected that respondent no.2 as well as respondent no.4 shall take appropriate steps in ensuring redressal of the grievance of the petitioner in respect of smooth offering of prayer at Sunni Hussain Masjid, Talapara, Bilaspur, in accordance with law.

5. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**