

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Sr. No.217/3

**COCP-1043-2020 (O&M)
Date of Decision: 29.09.2020**

MOHAMMAD ARSHAD

...Petitioner

VERSUS

MOHAMMED SHAYIN AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE S.N. SATYANARAYANA
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Petitioner in person.

Mr. Baldev Raj Mahajan, Advocate General, Haryana,
with Mr. Raman Sharma, Addl. AG, Haryana.

Mr. Ghulam Nabi Malik, Advocate,
for respondent No.1.

Ms. Promila Nain, Advocate,
for respondent No.3.

S.N. SATYANARAYANA, J.

The matter has been taken up through video conferencing
in the light of COVID-19 pandemic.

CM-6390-CII-2020

In this COCP petition, an application in CM-6390-CII-
2020, is filed, which is seeking exemption from affixing the
prescribed Court fee on the paper-book and the same is allowed, with
permission to affix the Court fee, within a period of 8 weeks from
today.

Main Case

Heard the learned counsel for the petitioner. It is
contended that the respondents have committed violation of the order

dated 12.03.2020, passed by this Court in CWP-6681-2020. The same is culled out as under:-

- “1. Notice of motion for 16th April, 2020.*
- 2. Notice is accepted by Ms. Promila Nain, Advocate in respect of Respondent No.4.*
- 3. Mr. Baldev Raj Mahajan, Advocate General, Haryana, appearing on advance notice states that till the next date of hearing election to the post of Chairman will not be conducted.*
- 4. List on 16th April, 2020.”*

After going through the same, a question is posed to the petitioner, whether the election to the post of Chairman is conducted by the State, and he is clearly not in a position to demonstrate that in violation to this order, a Chairman is appointed to the Waqf Board, as contended in the COCP petition. Under the circumstance, we find no grounds to entertain this petition in holding that there is violation of order of this Court. This is further strengthened by the order of Coordinate Bench passed in CWP-6681-2020 on 16.06.2020, which reads as under:-

“Learned Advocate General, Haryana, made a statement that no Member of the Constituted Board, under challenge, has yet been elected to the post of the Chairman. He, however, concedes that the already Constituted Board has to function and perform the statutory duties.”

It is this body, which is running the Waqt Board in the

absence of the Chairman, as could be seen from the contents of the COCP petition also. Therefore, any attempt to convert the main petition into contempt proceedings, cannot be entertained in the light of aforesaid two orders.

Accordingly, the instant COCP petition is hereby dismissed, as it does not merit consideration.

(S.N. SATYANARAYANA)
JUDGE

(ARCHANA PURI)
JUDGE

29.09.2020
himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No