

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Writ Petition No. 17409 of 2021

Date of Decision: September 06 , 2021.

Riyasati Jamiat Ulama and another PETITIONERS

Versus

State of Punjab and others RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Arvind Galav, Advocate
for the petitioners.

Mr. TPS Chawla, DAG, Punjab.

Mr. GN Malik, Advocate
for respondents No.2 and 3.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Present writ petition has been filed challenging continuation of respondents No.2 to 11 as members of the Punjab Wakf Board in view of notification dated 18.08.2017 issued under Section 14 of the Waqf Act, 1995.

Learned counsel for the petitioners contends that respondents No.2 to 11 are wrongly considered as members of the Punjab Wakf Board in view of notification dated 18.08.2017 and that tenure of the board came to end on 08.02.2021. It is further submitted that continuation of the said members of the board is illegal, arbitrary and in violation of the provisions of the Waqf Act,

1995. No resolution regarding the reconstitution of the board, it is submitted, has been passed.

Mr. Malik, learned counsel for respondents No.2 and 3, to whom an advance copy of the writ petition has been supplied, submits that when the board was constituted vide notification dated 09.02.2016, all the members had submitted their resignations and that the board was, in fact, reconstituted.

Mr. Galav, learned counsel for the petitioners points out that Mr. Showkat Ahmad Parray, IAS, SDM, Nakodar is continuing to be a member of the board, though Mr. Malik submits that he is a nominee of the State Government and as he was still holding the post at the time of reconstitution, he is reflected as a member thereafter.

It is pertinent to note at this stage that a similar writ petition i.e., CWP No.14976 of 2021 was dismissed by this Court on 06.08.2021 while observing that the petitioners therein who were residents of Haryana had no personal interest in the matter and were not aggrieved personally. In the present case, petitioner No.1 is a Society registered at Himachal Pradesh and petitioner No.2 is a resident of Haryana and it is stated in the writ petition that petitioners have no concern, whatsoever, with the ongoing selection process and appointment of candidates on various posts.

Learned counsel for the petitioners points out that CWP-PIL No.104 of 2021 filed by them was dismissed as withdrawn on 30.06.2021 by the 1st Division Bench while passing the following order:-

“When confronted with the question of maintainability of this Public Interest Litigation, learned counsel for the petitioners prays for and is permitted to withdraw this petition with liberty to

the petitioners to approach the authorities by filing a representation, if so advised, or to avail other remedies available under the law.

Dismissed as withdrawn with the aforesaid liberty.”

Pursuant to passing of the abovesaid order, it is submitted that representation dated 13.07.2021 (Annexure P9) was submitted by the petitioners, but no action has been taken thereon.

Learned counsel for the State, on instructions from Mr. Charanjeet Singh, Senior Assistant, Department of Home Affairs and Justice, Punjab, states that representation dated 13.07.2021 (Annexure P9) submitted by the petitioners has been considered and filed. Intimation dated 26.08.2021 thereof has been sent to the petitioners by registered post.

At this stage, learned counsel for the petitioners seeks to withdraw this petition with liberty to avail the remedy/remedies as may be available to them in accordance with law to challenge rejection of their representation.

Petition is, accordingly, dismissed as withdrawn with liberty as aforesaid.

September 06 , 2021.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No