

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10914 of 2021

1. Saurav Kumar Son of Prabhat Prasad Singh, resident of J.P. Colony, Chandwara, Police Station Town Thana, District - Muzaffarpur.
2. Durgesh Kumar Gautam Son of Shiv Narayan Singh, resident of village Sonbarsa, Police Station Kanti, District - Muzaffarpur.
3. Vijayendra Kumar son of Shri Vijay Sharma, resident of Village Punash Chaturi, Police Station Ahiyapur, District - Muzaffarpur.
4. Bala Lakhindar Sahni, Son of Shri Ram Swaroop Sahni, resident of Village Raga Punas, Police Station Ahiyapur, District - Muzaffarpur.
5. Md. Asghar Son of Md. Taseen, resident of Abdul Nagar, Madhopur, Police Station Ahiyapur, District - Muzaffarpur.
6. Bipin Kumar, Son of Late Ram Kishore Thakur, resident of Village - Majhauria, Police Station Sadar, District - Muzaffarpur.
7. Khushbu Kumari, Wife of Shahi Ranjan Singh, resident of Chandwara Ghat, Harpur, Police Station Ahiyapur, District - Muzaffarpur.
8. Sujit Kumar, Son of Chandrika Singh, resident of Village Sheikhpur, Police Station Ahiyapur, District - Muzaffarpur.
9. Suman Kumar Son of Shri Devendra Jha, resident of Ward No. 42, Nagar B.M.P. 6, Police Station Mithanpura, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Revenue Secretary, Government of Bihar, Patna.
2. The Secretary, Minority Welfare, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Muzaffarpur.
4. The Chairman, Bihar State Sunni Waqf Board, Patna.
5. The Chief Executive Officer, Bihar State Sunni Waqf Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Syed Firoz Raza, Advocate
For the State	:	Mr Anirban Kundu, SC XXIV
For the Waqf Board	:	Mr Helal Ahmad, Advocate

CORAM: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH)

4 22-03-2022 Heard learned counsel for the petitioners and the



respondents.

The petitioners have put to challenge an order dated 27.03.2021 issued by the Collector -cum- District Magistrate, Muzaffarpur whereby the properties in question have been held to be Waqf property of Bibi Hussaini Waqf Estate.

It is not in dispute that the petitioners have remedy under Section 52 (4) of the Waqf Act, 1995 before the Waqf Tribunal to assail the impugned order dated 27.03.2021.

This writ petition was filed in June, 2021 and it has been stated by the petitioners that the Waqf Tribunal is not holding proper Court.

Be that as it may, since the petitioners have alternative statutory remedy, which is efficacious, we are not inclined to entertain this writ petition.

We dispose of this writ petition accordingly with an observation that the petitioners shall be at liberty to approach the Waqf Tribunal.

It is the petitioners' case that the property in question is not a Waqf property. Apparently, the question as to whether the property is a waqf property or not, deserves consideration by appropriate forum.

Considering the facts and circumstances, it is



observed that if the petitioners approach the Waqf Tribunal within four weeks from today with an application seeking condonation of delay, the Waqf Tribunal shall consider the same in correct perspective keeping in view the fact that the petitioners were pursuing their remedy before this Court by filing the present writ petition. The petitioners shall also be at liberty to seek interim relief before the Waqf Tribunal.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

M.E.H./-

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