

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3130 of 2019

In
CIVIL REVIEW No.350 of 2018

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1. Noor Ahmad S/o Late Gholam Moinuddin, R/o. Pali Road, Tirpal Company, P.O. and P.S.- Dehri-On- Sone, District- Rohtas.
 2. Md. Ziauddin S/o Late Gholam Moinuddin, R/o Pali Road, Tirpal Company, P.O. and P.S.-Dehri-on-Sone, District-Rohtas.

... .. Petitioner/s

Versus

1. The Bihar State Sunni Waqf Board 34, Ali Imam Path (Hardinge Road), Haj Bhawan, Patna, through the Chairman.
2. The Chairman, Bihar State Sunni Waqf Board, 34, Ali Imam Path (Hardinge Road), Haj Bhawan, Patna.
3. The Executive Officer, Bihar State Sunni Waqf Board, 34, Ali Imam Path (Hardinge Road), Haj Bhawan, Patna.
4. The District Magistrate, Rohtas
5. The S.D.O. Sadar, Rohtas
6. Janab Umar Farooque S/o Late Gholam Moinuddin, R/o Pali Road, Tirpal Company, P.O. and P.S.-Dehri-on-Sone, District-Rohtas.
7. Janab Shahnawaz Late Gholam Moinuddin, R/o Pali Road, Tirpal Company, P. O. and P.S.-Dehri-on-Sone, District-Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Archana Jha, Advocate
For the Opposite Party-State:		Mr. Sunil Kumar Mandal, SC-3
		Mr. Bipin Kumar, AC to SC-3
For opposite party	:	Mr. Helal Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 06-07-2022

This application has been filed for restoration of Civil Review No.350 of 2018 (arising out of CWJC No.7424 of 2017), which was dismissed for want of prosecution on 24.07.2019.

2. The petitioners had filed CWJC No.7424 of



2017 seeking following reliefs :-

“(I) For quashing of order contained in memo no.857 dated 03.04.2017 issued by the Chief Executive Officer, Bihar State Sunni Wakf Board (hereinafter referred to as the Board) while communicating the decision of the Board contained in Supplementary Resolution no.08 dated 16.03.2017 appointing Janab Umar Farooque S/o. Late Ghulam Moinuddin Sb. as Mutawalli and Janab Shahnawaz Sb. S/o. Late Ghulam Moinuddin Sb. as Joint Mutawalli of S. K. Noor Mohammad Wafk Estate No.1547, Dehri-on-Sone, District-Rohtas, has asked the petitioners who are Joint Mutawallis (vide letter dated 08.07.1999 and memo no.1277 dated 24.07.1999) to hand over charge to Janab Umar Farooque Mutawalli and Janab Shanawaz Sb. Joint Mutawalli without being removed from their plots by any Resolution of the Board.

(II) For holding and declaring the order of Chief Executive Officer, Bihar State Sunni Wakf Board contained in memo no.857 dated



03.04.2017 asking the petitioners to hand over of charge by the petitioners to be wholly without jurisdiction and contrary to the provisions of the Wakf Act, 1995.

(III) For also quashing of Supplementary Resolution no.08 dated 16.03.2017 by which Bihar State Sunni Wakf Board has appointed Janab Umar Farooque S/o. Ghulam Moinuddin Sb. as Mutawalli and Janab Shahnawaz Sb. S/o Late Ghulam Moinuddin Sb. as Joint Mutawalli of S. K. Noor Mohammad Wakf Estate No.1545, Dehri-on-Sone, District-Rohtas.

(IV) Further for direction to the Respondent-Bihar State Sunni Wakf Board not to interfere in the smooth working of the petitioners as Joint Mutawalli of S.K. Noor Mohammad Waqf Estate No.1545, Dehri-on-Sone, District- Rohtas.

(V) For any other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of this



case.”

3. It would be evident from the order dated 16.11.2017 passed in CWJC No.7424 of 2017 that after some arguments, counsel for the petitioners sought leave to withdraw the application which was permitted by the Court and the application was dismissed as withdrawn. The petitioners had filed Civil Review No.350 of 2018 for review of the aforesaid order dated 16.11.2017 passed in CWJC No.7424 of 2017. Apparently, the civil review application against an order by which the Court simply permitted the petitioners to withdraw their application was misconceived.

4. In that view of the matter, I am not inclined to allow the prayer of the petitioners to restore Civil Review No.350 of 2018 to its original file.

5. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NA
CAV DATE	NA
Uploading Date	07.07.2022
Transmission Date	NA

