

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3523 of 2023

Md. Asif Alee, aged about 48 years, Gender- Male, Son of Abdul Gafoor,
Resident of Mohalla- Pakki Goraiya Shaki Gali, Near Masjid, Patna City,
Police Station- Khajekalan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Minority Welfare Department, Government of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Deputy Superintendent of Police, Patna.
7. The Officer-Incharge, Khajekalan Police Station, Patna City, Patna.
8. The Bihar State Sunni Waqf Board, Patna through its Chief Executive Officer, 34, Ali Imam Path (Harding Road), Police Station- Sachivalaya, District- Patna.
9. The Chairman, Bihar State Sunni Waqf Board, 34 Ali Imam Path (Harding Road), Police Station- Sachivalaya, District- Patna.
10. The Chief Executive Officer, Bihar State Sunni Waqf Board, 34, Ali Imam Path (Harding Road), Police Station- Sachivalaya, District- Patna.
11. Dr. Abbu Muzaffar Son of Azfar Alam, Resident of B/69, P.C. Colony, Kankarbagh, Patna.
12. Dr. Ahmad Abdul Hai, Son of Md. Abdul Hai, Resident of Exhibition Road, Police Station- Gandhi Maidan, District- Patna.
13. Saghir Ahmad Son of Late Saeed Ahmad, Resident of Kangahiya Tola, Police Station- Khajekalan, Patna city, District- Patna.
14. Sandeep Shekhar Son of Bipin Kumar Sinha, Resident of Road No.-5, Vishwanath Nagar, Post- Begusarai, District- Begusarai.
15. Sabhapati Devi Wife of Ghanshyam Kumar Singh, Resident of Chainpur, Police Station- Goriya Kothi, District- Siwan.
16. Babli Kumari Wife of Abhishek Kumar, Resident of Village- Saidpur, Police Station- Karauta, District- Patna.
17. Alok Singh Son of Gajendra Singh, Resident of Fatehpur, Kankothiya, Police Station- Didarganj, District- Patna.



18. Babita Sinha Wife of Pankaj Kumar, Resident of Lane No- 04A, Vijay Nagar (Rukanpura), Bailey Road, Police Station- Rupaspur, District- Patna.
19. Fahimuzzafar Son of Muzaffar Hussain, Resident of Bagh Kaloo Khan, Party Gali, Police Station- Khajekalan, Patna City, District- Patna.
20. Bibi Rahat Jabeen Wife of Md. Musharraf, Resident of New Azimabad Colony, Police Station- Sultanganj, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Syed Asgher Najmi, Advocate
For the State	:	Mr. Arvind Kumar, AC to GA 9
For Respondent Nos. 8 to 10 (Bihar State Waqf Board)	:	Mr. Md. Helal Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 10-10-2023 Heard the parties.

The petitioner by filing the present writ application
has prayed for following reliefs:

“(i) For issuance of writ/writs, order/orders, direction/directions in the matter of mandamus commanding upon the respondent authorities to remove encroachment from the premises of Yateemkhana Anjuman Khadim ul Islam, Patna which is a society registered under Societies Registration Act.

(ii) For issuance of any other appropriate writ/writs, order/orders, direction /directions to hand over the possession of vacant premises to Yateemkhana Anjuman Khadim ul Islam, Patna.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction /directions, which your lordships may deem fit and proper in the fact and circumstances of the petitioners case.”

2. In pursuant to the order of this Court dated
22.08.2023, the learned counsel for the Bihar State Waqf Board



has informed this Court that against the order as contained in Annexure-5 series dated 10.02.2022, the persons, who are said to have illegally purchased the land in question preferred appeal before the Bihar Waqf Tribunal under Section 52(4) of the Bihar Waqf Act, 1995 and with respect to some of the purchaser, the operation of the order dated 10.02.2022 has been stayed.

3. Considering the submissions made on behalf of the respondent Board and taking note of the fact that the dispute in relation to removal of the encroachment from the premises of Yateemkhana Anjuman Khadim ul Islam qua the private respondents and others are subjudice before the Bihar Waqf Tribunal, the present writ petition stands disposed of with a liberty to the petitioner that if he has any grievance, he may pursue his remedy before the Bihar Waqf Tribunal by raising his claim.

4. In view thereof, the present writ petition stands disposed of.

5. Learned counsel for the State is present.

(Harish Kumar, J)

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