

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8334 of 2023

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Md. Qaiser Alam Son of Late Md. Jamil Ahmad, Resident of Mohalla-Kaghzi Mohalla, PS-Biharsharif, District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Minority Welfare Department, Government of Bihar, Patna.
2. The Bihar State Sunni Wakf Board through its Chief Executive Officer, Hajbhawan, 34 Ali Imam Path Patna.
3. The Chairman Bihar State Sunni Wakf Board, Haj Bhawan, 34 Ali Imam Path Patna.
4. Syed Saifuddin Firdausi Son of not Known, Resident of Mohalla-Khanqah Biharsharif, PS-Biharsharif, District-Nalanda.
5. Md. Sultan Ansari Son of name not Known Resident of Mohalla-Khanqah Biharsharif, PS-Biharsharif, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan, Advocate.
For respondent nos. 2&3: Mr. Md. Helal Ahmad, Advocate.
For the State : Mr. Arvind Kumar, AC to GA-9.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 18-12-2023

Heard Mr. Majid Mahboob Khan, learned counsel

appearing on behalf of the petitioner; Mr. Md. Helal Ahmad,

learned counsel for the respondent nos. 2 and 3 and Mr. Arvind

Kumar, learned AC to GA-9 for the State.

2. The petitioner has filed the writ petition for the

following reliefs:

“a. For issuance of a writ in the nature of certiorari for quashing the resolution No. 1 (supplementary) of Bihar State Sunni Wakf Board meeting held on 29.1.2022 whereby and where under it was resolved by the board to remove the learned District Magistrate as president of Soghra Wakf Estate, Wakf No 2 which is illegal, arbitrary, malafide and contrary to the para 7 (seven) of the wakfnama



as well as against the order dated 15.7.2013 passed in CWJC No 19774/2011 Syed Shah Mojahid Alam Firdausi Vs the state of Bihar and others analogous cases reported in 2013 (3) PLJR 591 and subsequent resolution dated 15.5.2022 of Soghra Wakf Estate after calling upon by which Nalanda was not included and in his place respondent no. 4 was made President of Wakf Estate.

b. For issuance of a writ in the nature of certiorari for quashing the resolution dated 29.5.22 of Soghra Wakf Estate whereby and where under the District Magistrate, Nalanda has been removed from the post of Ex-officio president of the college which is contrary to the constitution of the Soghra College, Bihar Sharif, Nalanda.

c. For issuance of a writ in the nature of Certiorari for quashing the resolution dated 29.05.22 of Wakf Estate by which Sub divisional officer Bihar Sharif, Nalanda from the post of Ex- officio president of Soghra High Secondary School which is also contrary to the constitution of Soghra High Secondary School, Bihar Sharif, Nalanda both the senior officers of the district and subdivision has been removed on the instruction of Bihar State Sunni Wakf Board Patna so that the vacancies in the college and school can be filled up on extraneous considerations or to adjust their kith and kin in the aforesaid institutions.

d. For issuance of a writ in the nature of Mandamus or to declare and hold that no member of wakf board can be appointed as Motawalli/president/secretary of any wakf Estate in Bihar since the board have supervisory jurisdiction over all the wakf estates and if any member of the state wakf board is made office bearer of any wakf estate there is every possibility that Board will not discharge its statutory power properly against such person who is member of the state wakf board, it they committee and illegality or irregularity.

e. For issuance of a writ in the nature of Mandamus directly the wakf board to produce the original copy of wakf Nama with schedule of the property as well as copy of the decree and judgment finally passed by the court of Fort Williom, Bengal in civil appeal No. 434/1911 on 5 September 1912 for proper adjudication of the case.

f. For issuance of any other writ/writs, command /commands, direction/ directions, order/orders as your lordship deem fit and proper in the facts and circumstance of the case for the end of justice and for the benefits of poor.”

3. Mr. Md. Helal Ahmad, learned counsel

appearing on behalf of the Bihar State Sunni Wakf Board -



respondent nos. 2 and 3 submits that the petitioner has remedy before the Wakf Tribunal for redressal of his grievance as prayed for in the present writ petition.

4. Considering the nature of relief as sought for in the present writ petition, the petitioner has not been able to make out a case for judicial review. Petitioner may avail the remedy before the Wakf Tribunal.

5. Accordingly, the writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	20.12.2023
Transmission Date	N.A.

