

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11080 of 2023**

Yateem Khana Anjuman Khadimul Islam Kashmiri Kothi Patna City, through its Secretary, Syed Hussain Majeed, aged about-48 Years, S/o-Syed Hasan Majeed, R/o-Majeed Compound, Bagh Kalo Khan, P.S.-Khajekalan, P.O.-Patna City, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Department of Finance, through Additional Chief Secretary, Government of Bihar, Patna.
3. The Reserve Bank of India, Regional Officer, South Gandhi Maidan, Patna.
4. The Canara Bank through its Chief General Manager, Circle Office, Luv Kush Tower, 3rd Floor, Exhibition Road, Patna.
5. The Branch Manager, Jhauganj Branch, Canara Bank, Patna City.
6. The Bihar State Sunni Waqf Board through its Chief Executive Officer, Ali Imam Path, Haj Bhawan, Patna.

... .. Respondent/s

**Appearance :**

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|-------------------------|---|---------------------------------------------------------------------|
| For the Petitioner/s    | : | Mr. Syed Qaisar Hasan, Advocate<br>Mr. Shahrukh Shiddiqui, Advocate |
| For the State           | : | Mr. Raghwendra Kumar, SC-22<br>Mr. Ravi Ranjan, AC to SC-22         |
| For Waqf Board          | : | Md. Helal Ahmad, Advocate                                           |
| For Proposed Intervenor | : | Mr. Syed Asgar Nazmi, Advocate<br>Mr. Alok Kumar, Advocate          |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

4      06-11-2023                      Heard the parties.

2. Pursuant to the direction of this Court, a counter affidavit has been filed on behalf of the Bihar State Sunni Waqf Board, the same is taken on record.

3. The petitioner by filing the present write petition under Article 226 of the Constitution of India, seeking a direction, commanding upon the respondents, especially



respondent no. 5, the Branch Manager, Canara Bank, Jhauganj Branch, to change the mandate of operation of petitioners' Bank Account Nos. 1592101005746, 1592101006354 and 1592101000463 (FCRA) which are in the name of the petitioners' organization, so that it can be operated by the secretary of the present Managing Committee of the petitioners' organization. The petitioner also prays to award the cost of litigation and considerable compensation to him for the loss and damages caused to him, on account of inaction of the respondent authorities. It is submitted that the petitioners' accounts in question are in the name of Yateem Khana Anjuman Khadimul Islam, which were being operated by the the then office bearers of the erstwhile managing committee of the petitioners organization. However, in the light of the order dated 13.07.2022 passed by the Bihar State Sunni Waqf Board, the properties were directed to be registered as waqf properties of waqf estate.

4. He further submits that vide resolution no. 2, dated 13.09.2022, the Waqf Board was pleased to approve the constitution of the present Managing Committee which stood notified vide memo no. 3913 dated 16.09.2022. Pursuant to the aforesaid resolution, the new Managing Committee took charge



of the affairs of the petitioners organization on 04.12.2022 and now the affairs of the petitioners' organization are being taken care of and looked after the managing committee. In the aforesaid backdrop a written request was made by the petitioners organization through secretary of the present Managing Committee to the Branch Manager, Canara Bank but the request of the petitioner has not been acceded to, compelling him to approach before this Court.

5. It is submitted by the learned counsel for the Waqf Board that in the light of the order dated 13.07.2022, vide Annexure P/1 of the writ petition, passed by the Bihar State Sunni Waqf Board, Patna, Yateem Khana Anjuman Khadimul Islam, Kashmiri Kotha, Patna City alongwith its entire assets has been registered under register 26 of the Waqf Board maintained under section 37 of the Waqf Act, 1995 as Waqf Estate No. 2525/25 of the waqf property.

6. It is further submitted that the proposed intervenor has also participated in the proceeding and after considering all the materials, vide resolution no. 2, dated 13.09.2022, the Waqf Board has granted approval to the duly constituted Managing Committee. He further submits that the Branch Manager, Canara Bank was/is under the obligation to change the mandate of



operation without indulging in any dispute, as there is neither any order by any competent Court or Tribunal to withhold the operation of account. Merely on account of pendency of cases between the parties in relation to the management, the operation of the account in the name of Yateem Khana Anjuman Khadimul Islam, cannot be withheld.

7. An intervenor petition has been filed on behalf of Sayed Hussain Majeed, claiming himself to be secretary of Yateem Khana Anjuman Khadimul Islam, Kashmiri Kothi, Patna, duly registered on 09.05.1938 under the Society Registration Act, 1860.

8. Submission has been made by Mr. Syed Asgar Nazmi, representing the intervenor petitioner that with regard to the dispute between the petitioner qua the proposed intervenor, the matter is pending before the Bihar Waqf Tribunal, wherein both the parties have entered their appearance and the matter is likely to be disposed off shortly.

9. The proposed intervenor while opposing the prayer of the petitioner has also submitted that any orders passed in favour of the petitioner for operation of the Bank Account Nos. 1592101005746, 1592101006354 and 1592101000463 (FCRA) shall cause serious prejudice to his right and entitlement and the



money deposited in the account in question, may be siphoned off by the petitioner. Various other pleas have also been taken in the intervenor petition, in opposition to the claim of the petitioner.

10. Taking note of the fact that the dispute with regard to the entitlement of the petitioner qua the intervenor petitioner, is pending before the Bihar Waqf Tribunal, this Court does not find any reason to delve into the merit of the case.

11. Thus the writ petition stands disposed off with a direction that the Tribunal shall take up the Misc. Case No. 45/2022 expeditiously and after considering the submissions made on behalf of all the stake holders, passed necessary orders, preferably within a period of four weeks from today.

12. It is further directed that any decision taken by the Bihar Waqf Tribunal, shall be abided by the Branch Manager, Canara Bank, Jhauganj branch.

13. Accordingly, the present writ petition stands disposed off.

**(Harish Kumar, J)**

supratim/-

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