

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1668 of 2019

Syed Akabir Hussain S/o Syed Sakir Hussain Resident of 4/1332-B1, New S.S. Nagar, Aligarh, Barha Khurd, Aligarh, Distt.- Uttar Pradesh, Pin-202001, at present residing at C/o Umesh Kumar Singh, Ashok Niwas, behind Menka Hotel, P.O. and P.S.- Kadamkuan, Town and distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Sri Amir Subhani, I.A.S., Minority Welfare Department to the Govt. of Bihar, Old Secretariat, Patna
2. The Bihar State Shia Wakf Board through its Chairman, Sri Irshad Ali Azad, having office at 2nd Floor, Haz Bhawan, 34, Ali Imam Path, Harding Road, Patna-800001
3. Sri Irshad Ali Azad Chairman, The Bihar State Shia Wakf Board, patna
4. Md. Anwar Hussain Chief Executive Officer, The Bihar State Shia Wakf Board, Patna

... .. Opposite Party/s

with

Miscellaneous Jurisdiction Case No. 3912 of 2019

Mrs. Tahmina Imam Punvani D/o Late Syed Akbar Imam Resident of B-1, 3rd Floor, Geetanjali Enclave, New Delhi through her attorney Mr. Rajesh Kumar @ Rajesh, Son of Sri Sakal Deo Das, Resident of Sati Chaura, Registry Office, Behind Little, Age Academy, P.O.- Digha, P.S.- Danapur, Town and District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Vivek Kumar Singh Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. Sri Amir Subahani, The Principal Secretary, Department of Minority Welfare Deptt., Govt. of Bihar, Patna.
3. Kumar Ravi, Fathers name not known to the petition, The District of Magistrate, Patna.
4. The Bihar State Shika Wakf Board through its Chairman, Sri Irshad Ali Azad, having office at 2nd Floor, Haz Bhawan 34, Ali Imam Path, Harding Road, Patna- 800001.
5. Sri Irshad Ali Azad, Fathers name not known to the petition, Chairman, The Bihar State Shia Wakf Board, Patna.
6. Md. Wazaim Uddin Ansari, Fathers name not known to the petition, Chief Executive Officer, The Bihar State Shia Wakf Board, Patna.



... .. Opposite Party/s

Appearance :

(In Miscellaneous Jurisdiction Case No. 1668 of 2019)

For the Petitioner/s : Mr. Baxi S.R.P Sinha, Advocate
Mr. Nitesh Kumar, Advocate

For the Opposite Party/s : Md. Anjum Akhtar, Advocate

(In Miscellaneous Jurisdiction Case No. 3912 of 2019)

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Md. Anjum Akhtar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

9 19-09-2023 The present M.J.C./contempt petitions are filed for violation of paragraph No. 29 of the reported judgment in the case of ***Begum Asma Jafar Imam and another vs. The State of Bihar and Ors.*** reported in **AIR 1975 Pat 48**. The relevant paragraph No. 29 reads as under:

“In the result, C.W.J.C. No. 258 of 1974 is allowed and the respondent Board is restrained by a writ of mandamus from interfering with administration and management of the Hasan Imam Wakf Estate and the impugned communications and resolutions are hereby quashed as having been issued and made without any authority in law. In the circumstances of the case, there will be no order as to costs.”

2. Learned counsel for the petitioners submitted that cause of action accrued to the petitioners with reference to the



press note dated 07.08.2019 notified in the *Dainik Bhaskar* to the extent that the concerned official respondents are likely to construct building in the petitioner's premises/land. In the absence of any official decision by means of notification or executive order or any official mode of communication and merely on the basis of some news item, the same cannot be taken into consideration for the purpose of initiating any contempt proceedings against the official respondents.

3. Further it is to be noted that even after filing of the present M.J.C. petitions, the respondents have not passed any official communication to the extent of violation of paragraph No. 29 of the aforementioned decision. In view of these facts and circumstances, present M.J.C. petitions are not maintainable.

4. Accordingly, present M.J.C. petitions stand dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

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