

Motiur Rahman Son of Late Abdul Rahman, Resident of Village Ward No. 13
Usauth Diha P.S. Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Land Reforms and Revenue Department Government of Bihar, Patna.
2. The District Magistrate cum Collector, Madhubani.
3. The Leasehold (Bataidari) Magistrate, Madhubani.
4. The Secretary, Bihar State Sunni Waqf Board Bihar, Patna.
5. The Circle Officer Bisfi Circle, Madhubani.
6. The Executive Officer, Bihar State Sunni Waqf Board Bihar, Patna.
7. The Secretary, Kanij Fatima Waqf estate 485 Usauthu Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mr. Gagandeo Yadav, Advocate
Mr. Ravi Prakash, Advocate
For the Respondent/s : Mr. Sajid Salim Khan (Sc 25)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 01-07-2024 Heard learned counsel for the parties.

2. This is an application for issuance of an appropriate writ(s), order(s), direction(s) for direction to the respondents authorities not to construct the minority Residential school any other building over the land of Kanij Fatima Waqf estate 485 bearing khata no. 227 Khesra no. 429 and 468 thana no. 165 situated at mauza Usauthu as the abovesaid land has been given to the petitioner by Bataidari Parcha Since long back and the said land is in the peaceful possession of petitioner and to grant any other relief (s) for which petitioner may found



entitled in accordance with law.

3. A counter affidavit on behalf of respondent nos.

4 and 6 is on record and paragraph 6 read as follows:-

6. That at the very outset present writ application is not maintainable as petitioner having statutory remedy before the Bihar State Waqf Tribunal, Patna (hereinafter called the Waqf Tribunal) under Section-83 of the Waqf Act, 1995 (Amendment Act, 2013) read with Bihar Waqf Rules-2020 and also in view of law laid down by the Hon'ble Supreme Court in recent judgment of Farida Pindari Case reported in PLJR 2021(4) SC 396.

4. In that background, learned counsel for the petitioner submits that he will be approaching the appropriate authority for the redressal of his grievance.

5. Granting said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

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