

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10067 of 2022

Syed Shah Mohammad Sadruddin son of Late Mohammad Shah Serajuddin,
resident of 407/1B Al-noor Mansion, Haroon Nagar, Sector-1, Opposite
Mahavir Cancer Sansthan, P.S.-Phulwarisharif, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Tourism Department, Government of Bihar, Patna.
2. The Bihar State Tourism Development Corporation Limited through its Managing Director, Beerchand Patel Patha, Patna.
3. The District Magistrate, Jehanabad, District-Jehanabad.
4. The Sub Divisional Officer, Jehanabad, District-Jehanabad.
5. The Circle Officer, Kako Block, Jehanabad, District-Jehanabad.
6. The Executive Engineer, Bihar State Tourism Development Corporation Limited, Beerchand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rashid Izhar, Adv.
For the State	:	Mr. Sita Ram Yadav, GP 16 with Mr. Rakesh Kumar Shrivastava, AC to GP 16
For the Resp. Nos. 7 & 8:		Mr. Md. Helal Ahmad, Adv.
For the Resp. Nos. 2 & 6:		Mr. Agreya Pratap, Adv.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 20-11-2024 Heard learned counsel for the parties.

2. It is an admitted fact that the property in question is
a Waqf property.

3. The Bihar State Sunni Waqf Board (hereinafter
referred to as “Board”) issued a certificate of registration dated
24.01.2000 whereby the *Dargah* of “Makhdooma Syeda Hazrat
Bibi Kamal”, Bibipur (Kako), Jehanabad was registered under
Section 3 (1)(i) read with Section 25 of the Bihar Waqf Act,



1954 (Registration No. 2343 of 1999). The details of the property is, Tauzi No. 1081, Thana No. 465, Khata No. 179, Plot No. 453, Area 89 decimal, which was entered into the Revenue Records as *Dargah*.

4. The Board recognized the petitioner as Naib Mutawalli and one Syed Shah Jalaluddin as Mutawalli. The Board directed both the Mutawallis' to manage the State of *Dargah (The Waqf property)*. The certificate of registration was issued for two years.

5. The case of the petitioner is that though the certificate was issued only for two years but he is still continuing as Mutawalli as well as Sajjadanashin. He further submits that till date no one has come forward claiming himself to be Mutawalli of the Waqf property. So far as Syed Shah Jalaluddin is concerned, he is family member of the petitioner. The petitioner being the Mutawalli of the Waqf property handed over a portion of that property for its development to the Bihar State Tourism Development Corporation Ltd. (hereinafter referred to as "Corporation"), vide Annexure-4 dated 08.08.2015, at the request of the Corporation vide Annexure-3 the letter dated 21.07.2015, for its development and after development the property is ready to be handed over to the



occupant thereof.

6. Learned counsel for the Corporation submits that the development work on the site has been carried out and completed, it is ready for hand over but some other persons are claiming for it, so the Corporation is unable to decide to whom the possession of the property should be handed over. He admits that the petitioner has handed over the property for its development.

7. The learned counsel for the Board submits that though it is admitted fact that certificate of registration was issued to the petitioner but it was expired in the year 2002 and after expiry of that registration certificate, the petitioner has no authority to manage the property of the Board but the learned counsel failed to show as to how the property is managed from 2002 till date. He has merely submitted that the make shift arrangements are going to be determined by the concerned District Minority Officer.

8. The learned GP-16 for the State submits that a Committee is going to be constituted to manage the Waqf property.

9. The learned counsel for the Board and learned GP 16 for the State have failed to show how the property of the



Waqf was managed from 2002 till date.

10. It is undisputed that the petitioner was granted certificate of Mutawalli-ship by the Board itself, though it is expired. It is also admitted fact that it is the petitioner who handed over the portion of the property for its development to the Corporation, so the Corporation is directed to hand over the developed property to the petitioner for its management within a period of fifteen days from today.

11. With this observation, the writ petition stands disposed of.

(Nawneet Kumar Pandey, J)

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