

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10988 of 2024

Syed Sah Anzar Hussain S/o Syed Shah Ashique Hussain, Sajjada Nashin-cum-Mutawalli, Dargah Shah Arzan, Wafq Estate No-28, Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Minority Welfare, Bihar, Patna.
2. The Secretary Department of Home (Police), Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The S.H.O. Sultanganj Police Station, District-Patna.
5. The Chairman, Bihar State Sunni Waqf Board, Haj Bhawan, Patna.
6. The Chief Executive Officer, Bihar State Sunni Waqf Board, Haj Bhawan, Patna.
7. Md. Athar Ahsan, S/o Late Abdul Mogni, resident of Mohalla-Mohammadpur, Shahganj, P.S.-Sultanganj, District-Patna.
8. Md. Mazhar Ahban, S/o Lat. Abdul Mogni, resident of Mohalla-Mohammadpur, Shahganj, P.S.-Sultanganj, District-Patna.
9. Md. Mahawar Ahsan, S/o Late Abdul Mogni, resident of Mohalla-Mohammadpur, Shahganj, P.S.-Sultanganj, District-Patna.
10. Md. Ashraf Ahsan, S/o Late Abdul Mogni, resident of Mohalla-Mohammadpur, Shahganj, P.S.-Sultanganj, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Fakhruddin Ali Ahmad, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA-7
		Md. Helal Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-07-2024 Heard the parties.

2. The present writ petition has been preferred for the
following relief(s):

*(i) to direct the respondents Bihar State
Sunni Waqf Board, Bihar, Patna to comply the
order dated 21-09-2023 passed in Misc. Case No.
34/2022 (Syed Shah Azar Hussain Vs the Chief
Executive officer, Bihar State Sunni Waqf Board*



and other others);

(ii) to direct the respondents Waqf Board to dispose of the representation dated 26-04-2021 submitted by the Petitioner and to take appropriate steps for the protection of Waqf Property appertaining to Waqf Estate No.28, Dargah Shah Arzan, Tauzi No- 303, Thana No-11, Ward No-15, M.S. Plot No-921, Area 114 Decimal, situated at Mauza - Sandalpur, Near Shahganj Qabristan (Shah Lal ki Takiya) P.S.- Sultangani, District. - Patna;

(iii) to direct the State Respondents to provide adequate safety and security to the said Waqf Property and also for safety of life of the Waqf Tenant and his family members who are continuously, been threatened by the anti-social and criminal elements of the locality.

3. If the contention of the petitioner is correct, it is unfortunate that a land which according to the petitioner belongs to Bihar State Sunni Waqf Board (henceforth for short 'the Board'), it is he who is trying it to save from the private individual since the year 2021.

4. The details of the land in question read as follows:

“Waqf property belongs to Waqf Estate No. 28 Dargah Shah Azan, pertaining to Tauzi No. 303, Thana No. 11, Ward No. 15, MS Plot No. 921, Area 114 decimal situated in Mauza Sandarpur near Sghahganj Sultanpur Qabristan, District-



Patna”.

5. It is the contention of the petitioner that the land which belongs to the Waqf Board, two private parties are contesting and will take a decision which ultimately will leave the said land with the said private parties (Respondents no. 7 to 10) instead of the board.

6. It is further submission that since the year 2021 when he filed the representation, whereafter he moved before the Bihar State Tribunal Waqf Board, Bihar Patna in **Miscellaneous Case No. 34 of 2022 (Syed Shah Azar Hussain Vs the Chief Executive officer, Bihar State Sunni Waqf Board and other others)**, the board has not been come out of deep slumber.

7. He has provided a copy of the order dated 04.07.2024 of the Tribunal to show that even they have directed the Waqf Board to take a decision on the representation of the petitioner dated 26.04.2021, one of the prayer in the writ petition.

8. It seems that the Waqf Board deliberately has shown its inaction for last three years and now the time has come for them to awake and take a decision, that too within a period of three months from today.



9. The petitioner will be filing a detailed representation in addition to the representation dated 26.04.2021 and the Board will:

(i) look into its record to check whether the land belongs to the Waqf Board or not;

(ii) if the contention of the petitioner is found to be correct, immediately constitute an enquiry committee, which will visit the spot and submit a report in next three weeks;

(iii) thereafter, the board will be duty bound to issue notice to the necessary parties which include the petitioner herein and then take a decision and pass a reasoned order;

(iv) if the land belongs to the Waqf Board, it is duty bound to protect it and contest the litigation which may be pending before any court.

10. The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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