

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13834 of 2024

Syed Mohammad Sharaf @ S.M. Saraf Son of Late Mohammad Abu Nasar,
Resident of Village- Panhessa, P.O. and P.S.- Nalanda, District- Nalanada at
Biharsharif.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Minority Welfare Department,
Government of Bihar, Main/Old Secretariat, Patna- 800015.
2. The Secretary, Minority Welfare Department, Government of Bihar,
Main/Old Secretariat, Patna- 800015.
3. The Bihar State Sunni Waqf Board, through its Chief Executive Officer, Haj
Bhawan, 2nd Floor, 34 Ali Imam Path (Harding Road), Patna- 800001.
4. The Chairman, Bihar State Sunni Waqf Board, Haj Bhawan, 2nd Floor 34
Ali Imam Path (Harding Road), Patna- 800001.
5. The Chief Executive Officer, Bihar State Sunni Waqf Board, Haj Bhawan,
2nd Floor, 34 Ali Imam Path (Harding Road), Patna- 800001.
6. Shri Mokhtarul Haque Son of Md. Kalimuddin, Permanent Resident of
Mohalla- Beli Sharif, P.S.- Nawada Town, District- Nawada, presently
residing at 24, IAS Colony, P.S.- Kidwaipuri, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rashid Izhar, Advocate
For the State	:	Mr. Government Pleader (23)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-09-2024 Heard Mr. Rashid Izhar, learned counsel for the

petitioner and learned AC to GP-23.

2. The present writ petition has been preferred for
grant of following reliefs:-

*(I) Issuance of Writ or Writs in the nature of
Certiorari Quashing the Order contained in the
Memo No. 2056, dated 01.09.2020 issued by the
Respondent Board, whereby termination order of
Petitioner from the post of Mutawalli of Soghra*



Waqf Estate No. 02 / Nalanda was passed, without jurisdiction even when the Status Quo was granted by Learned Bihar State Waqf Tribunal, Patna, thereby staying the Inquiry Report conducted by the Respondent Waqf Board, on the basis of which the Termination Order has been passed.

(II) Issuance of suitable Writ or Writs quashing the Office Order passed by the Respondent Board, vide Memo No. 2055, dated 01.09.2020, whereby the Respondent No. 6 was appointed as acting Mutawalli of Soghra Waqf Estate No. 2 / Nalanda and to command the Respondent Board to prohibit Respondent No. 6 from functioning as Acting Mutawalli in the Soghra Waqf Estate No. 02/ Nalanda, as the same is detrimental to the interest of the said Waqf Estate.

(III) Issuance of Writ or Writs in the nature of mandamus alternatively commanding the Learned Chairman of the Bihar State Waqf Tribunal, Patna to dispose the Waqf Appeal No. 03 of 2021 on day to day basis, within time



bound manner as the Arguments in Waqf Appeal No. 03 of 2021 is already heard on 110 dates and all the dates and time for concluding the hearing has already been given and the matter is pending to the disadvantage and injury to the Petitioner and valuable institution and to the illegal advantage to the Respondent No. 6/ Opposite Party No. 9.

(IV) Grant any other relief or reliefs to which the Petitioners may be found entitled to in the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that from the number itself, it would show that the Waqf Appeal No.03 of 2021 is awaiting final order since last three years and by now 110 dates have been incorporated and it is moving towards creating its name in the Limca Book of Records.

4. He as such has come with a simple prayer to direct the Bihar State Waqf Tribunal, Patna to dispose of the Waqf Appeal No.03 of 2021 within a time frame.

5. He however, concede that recently the post of the Chairman of the Tribunal has become vacant and it will suffice if a direction is given that the same is taken up and dispose of



within two weeks from the date, the new Chairman comes in.

6. The respondents have no objection and they too submit that three years have lapsed and after 110 dates, time has come to dispose of the appeal.

7. Appreciating the stand of all the parties, the writ petition stands disposed of with a direction to the Bihar State Waqf Tribunal, Patna to take up the Waqf Appeal No.03 of 2021 within three weeks from the date new Chairman assumes office and the same shall be taken to its logical conclusions maximum by four months from the date of first hearing, if possible, preferably on day to day basis.

8. The writ petition stands disposed of

(Rajiv Roy, J)

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