

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15129 of 2024

Mir Arshad Hussain @ Meer Arshad Hussain son of Late Reyaz Ahmad,
resident of Mohalla-Kashi Takia, P.S.-Laheri, P.O.-Biharsharif, District-
Nalanda 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, Bihar Patna through its Chief Executive Officer, Haj Bhawan, 34-Ali Imam Path, Harding Road, District-Patna.
4. The Chief Executive Officer, Bihar State Sunni Waqf Board, Haj Bhawan, 34-Ali Imam Path, Harding Road, District-Patna.
5. The District Magistrate, Nalanda, Collectorate, Nalanda at Biharsharif.
6. The President, Soghra School, Biharsharif cum District Magistrate, Nalanda, Nalanda Collectorate, Nalanda at Biharsharif.
7. The District Waqf Nodal Officer, Nalanda Collectorate, Nalanda at Biharsharif.
8. The Principal/Professor in Charge, Soghra School (a Waqf Institution under Soghra Waqf Estate, Biharsharif), Mohalla-Pakki Talab (Ranchi Road-Gagan Diwan), P.S.-Laheri, District-Nalanda at Biharsharif.
9. The Muttawalli, Soghra Waqf Estate, Office at Mohalla-Laheri, P.S.-Laheri, P.O.-Biharsharif, District-Nalanda at Biharsharif.
10. Syed Shah Saifuddin Firdausi, Member, Bihar State Sunni Waqf Board, Haj Bhawan, 34-Ali Imam Path, Harding Road, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Adil Abbas, Adv.
Mr. Rashid Izhar, Adv.
For the Resp. no 3 & 4 : Mr. Helal Ahmad, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-10-2024 Heard Mr. Rashid Izhar, learned counsel for the

petitioner and Md. Helal Ahmad representing the respondent

nos. 3 and 4 as the State.

2. The present writ petition has been preferred for the



following relief(s):

i) Issuance of Writ or Writs in the nature of Certiorari Quashing the Resolution dated 28.08.2022 part (ख) of the Order / Resolution of the Soghra Waqf Estate whereby contrary to the mandate of the Bye-laws/ Constitution of the College for the establishment and management of the Soghra College, Biharsharif (A unit of Soghra Waqf Estate No. 2, Biharsharif) the so-called new President of the Soghra Waqf Estate and also a Member of the Bihar State Sunni Waqf Board namely Syed Shah Saifuddin Firdausi has assumed and occupied the post of President of the Soghra College at the whim and in contravention of the procedure established under law and has usurped the office of Respondent No. 5 who is ex-Officio President of the College.

(ii) Issuance of Writ or Writs in the nature of Certiorari quashing the constitution of Governing Body of Soghra College, vide Ref. No. SWE/MC-C/447/22, dated 05.06.2022, whereby the Committee of the College is formed by the Nomination of the so-called President of the Soghra Waqf Estate against the mandate of the Constitution of the Soghra College / Bye-laws of the College against the wishes of the



Waqif as stated in the Waqf Deed.

(iii) Issuance of Writ or Writs in the nature of mandamus commanding the Respondent Board to prohibit the Respondent No. 10 from functioning as the President of Soghra College (a unit of Soghra Waqf Estate No. 2, Biharsharif).

(iv) 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 Misc Case No. 06 of 2023 on day to day basis, within time bound manner as the matter involves the public interest at large and the Respondent No. 10 is working against the interest of the Waqf Estate No. 02/ Biharsharif under the shielding of the Respondent Board.

3. Learned counsel for the petitioner submits that Misc. Case No. 06 of 2023 is continuing since long without being taken to its logical conclusion inasmuch as number of adjournments have been made without any reasoning.

4. As such, the only prayer is for early disposal of Misc. Case no. 06 of 2023 pending before the Bihar State Waqf Tribunal, Patna.

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 once the new Chairman comes in.

6. 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. 06 of 2023 within three weeks from the date new Chairman assumes office and the same shall be taken to its logical conclusions maximum within four months from the date of first hearing, if possible, preferably on day to day basis.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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