Court No. - 2

Case :- WRIT - C No. - 10003 of 2024

Petitioner :- Prabandh Samiti Waqf Zama Maszid Thru. Representative Shri Azad (Adhyaksh/ Chairman) And Another
Respondent :- U.P. Sunni Waqf Board Thru. Chairman Lko And 2 Others
Counsel for Petitioner :- Shrimantkumar Banerjee,Dina Nath Saha,Shivang Dwivedi
Counsel for Respondent :- Farhan Habib

Hon'ble Rajan Roy,J.
Hon'ble Ajai Kumar Srivastava-I,J.

1. Vakalatnama filed by Sri Syed Aftab Ahmad, Advocate on behalf of respondent no.3 is taken on record.

2. Heard learned counsel for the petitioners, Sri Farhan Habib, learned counsel for the Waqf and Sri Sayed Aftab Ahmad, learned counsel for respondent no.3.

3. After hearing the parties and perusing the record, what we found is that the Waqf Board claims to have sent the show cause notice dated 06.12.2023 to the petitioners but petitioners deny having received the same.

4. The case of the petitioners is that they came to know about the impugned order passed under Section 67(2) of The Waqf Act, 1995, only after its passing and then applied for a certified copy and moved a representation informing the Board about the aforesaid fact that the notice was never served upon the petitioners and they have not been heard in the matter, though the Committee of Management has been superseded.

5. Sri Farhan Habib, learned counsel for the Waqf, says

that he has postal receipt dated 07.12.2023 to show that the notices were sent to petitioners. However, on being asked to present the proof of service, learned counsel submitted that such proof was not there.

6. Looking to the facts of the case and the order of supersession, which has serious consequences for the Waqf, and the petitioners' version was not there before the Waqf Board before it passed the order of supersession, we are of the opinion that petitioner no.1 should be given an opportunity to submit his response to the show cause notice, which may be submitted within one week as offered by the petitioners' counsel, thereafter, the Waqf Board may pass a fresh order under Section 67(2) of The Waqf Act, 1995, within the next four weeks, as suggested by Sri Farhan Habib, learned counsel for Waqf

7. We, accordingly, quash the impugned order dated 13.09.2024 with the aforesaid observations/directions.

8. The writ petition is **disposed of**.

(Ajai Kumar Srivastava-I,J) (Rajan Roy,J.)

Order Date :- 23.11.2024
A.Dewal

Digitally signed by :-
ASHISH DEWAL
High Court of Judicature at Allahabad,
Lucknow Bench