

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.190 of 2022

In
Civil Writ Jurisdiction Case No.283 of 2021

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Syed Mukarram Ali, son of Late Syed Irteza Hussain, resident of 132, Diwan Mohalla, Dulli Ghat, P.S.- Khajekalan, District- Patna.

... .. Appellant

Versus

1. The Bihar State Shia Waqf Board, Bihar, Patna through the Chief Executive Officer, Haj Bhawan, 34- Ali Imam Path, Harding Road, District- Patna.
2. The Chairman, Bihar State Shia Waqf Board, Bihar, Patna, Haj Bhawan, 34- Ali Imam Path, Harding Road, District- Patna.
3. The Chief Executive Officer, Bihar State Shia Waqf Board, Haj Bhawan, 34- Ali Imam Path, Harding Road, District- Patna.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Rashid Izhar, Advocate

For the Respondent/s : Mr. Md. Anjum Akhter, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 17-03-2025

Ref: I.A. No. 01 of 2022

Heard I.A. No. 01 of 2022 for condonation of delay. There is a delay of about 87 days in filing L.P.A. No. 190 of 2022. For the reasons stated in the application read with the affidavit, delay of about 87 days in filing L.P.A. No. 190 of 2022 stands condoned.

2. Accordingly, I.A. No.01 of 2022 stands allowed.

3. With the consent of the learned counsel for the



respective parties, L.P.A. is taken up for final disposal. On certain alleged allegation levelled against the Appellant Show-Cause Notice was issued followed by removal from service was passed on 06.08.2020. Removal order reads as under:

No.15/Patna – 23 W.B. Dated 6/8/2020

Notification

As per Board's Resolution No-10 dated 17.06.2020 Mr.Syed Mokarram Ali, Mutawalli of Bibi Fatma & others Waqf Estate, (Board's Registration No.15/Patna) has been removed from Mutawalliship of the said Waqf Estate U/S 64(a)(g) of the Waqf Act, 1995 and Mr. S.Fahim Asghar Rizvi, Assistant of the Board is appointed as Manager of the said Waqf Estate with immediate effect.

Sd/-

Chief Executive Officer

Memo No.15/Pat – 1238 W.B. Dated 6/8/2020

Copy Forwarded to:

- **Mr.S.Fahim Asghar Rizvi**, Assistant, Shia Waqf Board, Patna for compliance. He is directed to take complete charge of the Waqf Estate from Mr. Syed Mokarram Ali, Ex-Mutawalli, Bibi Fatma & Others Waqf Estate, (Board's Registration No. 15/Patna) Doolighat, Patna-800008
- **Mr.Syed Mokarram Ali** Ex-Mutawalli, Bibi Fatma & Others Waqf Estate 15/Patna is asked to hand over all documents/Papers, accounts, cash in hand, cash at Bank etc to Mr. S.Fahim Asghar Rizvi, Manager, Bibi Fatma Waqf Estate, Patna immediately.

**Chief Executive Officer,
BIHAR STATE SHIA WAKF BOARD
PATNA.**



4. Perusal of the removal order, it is evident that it is unreasoned/non-speaking and not even iota of reference to Show-Cause Notice read with the Appellant's explanation. These materials have not been taken note of by the learned Single Judge, resultantly, Appellant has presented this appeal in assailing the removal order and consequential order of the learned Single Judge.

5. Having regard to the violation of principle of natural justice to the extent that removal order does not speak issuance of Show-Cause Notice and Appellant's reply and how Appellant's reply has been considered before passing removal order dated 06.08.2020. Therefore, removal order is un-reasoned and non-speaking order. Accordingly, Notification dated 06.08.2020 vide Annexure-5 to the C.W.J.C. No. 283 of 2021 and order of the learned Single Judge dated 24.12.2021 passed in C.W.J.C. No. 283 of 2021 are set aside. The matter is remanded to the Chief Executive Officer, Bihar State Shia Waqf Board, Patna to proceed afresh from the defective stage after providing ample opportunity of hearing to the Appellant. The above exercise shall be completed within a period of 06 months from the receipt of this order.



6. With the above observation and direction, L.P.A.

No. 190 of 2022 stands allowed in part.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2025
Transmission Date	N.A

