

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 5759 of 2012-F

Decided on: 31.10.2012

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Shri Ali Mohammad, son of Shri Mhammad Ramjan, r/o 2 Bakery, near lift, Shimla-1, H.P.

...Petitioner.

Versus

1. State of H.P. through Principal Secretary (Revenue) to the Govt. of HP, Shimla-2.
2. Himachal Pradesh Wakf Board through its Chairman, Set No. 5, Old Elgin Villa, Lakkar Bazar, Shimla-1.
3. Shri Mufti Shafi (Imam) Jama Masjid, near Baljees, Shimla, HP.

...Respondents.

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Civil Writ Petition under Article 226 of the Constitution of India.

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*Coram*

**The Hon'ble Mr. Justice Deepak Gupta, J.**

**The Hon'ble Mr. Justice Rajiv Sharma, J.**

*Whether approved for reporting?<sup>1</sup> No.*

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For the petitioner: Mr. M.A. Khan, Advocate.

For the respondents: Mr. Vivek Singh Thakur, Additional Advocate General and Mr. Rajesh Mandhotra, Deputy Advocate General, for respondent No. 1.

Mr. Imran Khan, Advocate, for respondent No. 2.

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**Deepak Gupta, J.** *(Oral)*

The writ petition is misconceived. The remedy of the petitioner lies in approaching the appropriate Wakf Tribunal constituted under the Wakf Act, 1985. The petition is, therefore, rejected with liberty reserved to the petitioner to approach the appropriate forum. We may make it clear that we have not expressed any opinion on the merits of the case.

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<sup>1</sup> *Whether the reporters of local papers may be allowed to see the Judgment? Yes.*

-: 2 :-

2. The pending application(s), if any, also stand(s) disposed of. No order as to costs.

**(Deepak Gupta)**  
**Judge**

**(Rajiv Sharma)**  
**Judge**

**October 31, 2012**  
*(rajni)*