

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.741 of 2018

In

Civil Writ Jurisdiction Case No.2731 of 2018

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Syed Kamran Ali @ S. Kamran Ali, S/o Late Syed Kazim Ali, R/o Kazmi Begum Compound, Guzri Bazar, P.S.- Khajekalan, District- Patna.

... .. Appellant/s

Versus

1. The State Of Bihar through Principal Secretary, Govt. of Bihar, Old Secretariat, Patna Revenue and Land Reforms Department.
2. The Bihar State Shia Wakf Board, through its Chairman, 2nd Floor, Haj Bhawan, 34, Ali Imam Path, Harding Road, Patna 800001.
3. The Secretary, Bihar State Shia Wakf Board, 2nd Floor, Haj Bhawan, 34, Ali Imam Path, Harding Road, Patna 800001
4. The Chief Executive Officer, Bihar State Shia Wakf Board, 2nd Floor, Haj Bhawan, 34, Ali Imam Path, Harding Road, Patna 800001

... .. Respondent/s

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with

Letters Patent Appeal No. 749 of 2018

In

Civil Writ Jurisdiction Case No.3749 of 2018

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Syed Kamran Ali @ S. Kamran Ali, S/o Late Syed Kazim Ali, R/o Kazmi Begum Compound, Guzri Bazar, P.S.- Khajekalan, District- Patna.

... .. Appellant/s

Versus

1. The State Of Bihar through Principal Secretary, Govt. of Bihar, Old Secretariat, Patna Revenue and Land Reforms Department.
2. The Bihar State Shia Wakf Board through its Chairman, 2nd Floor, Haj Bhawan, 34, Ali Imam Path, Harding Road, Patna 800001
3. The Secretary, Bihar State Shia Wakf Board, 2nd Floor, Haj Bhawan, 34, Ali Imam Path, Harding Road, Patna 800001
4. The Chief Executive Officer, Bihar State Shia Wakf Board, 2nd Floor, Haj Bhawan, 34, Ali Imam Path, Harding Road, Patna 800001

... .. Respondent/s

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with

Letters Patent Appeal No. 745 of 2018

In

Civil Writ Jurisdiction Case No.8564 of 2018

=====

Syed Kamran Ali @ S. Kamran Ali, S/o Late Syed Kazim Ali, R/o Kazmi Begum Compound, Guzri Bazar, P.S.- Khajekalan, District- Patna.



... .. Appellant/s

Versus

1. The State Of Bihar through Principal Secretary, Govt. of Bihar, Old Secretariat, Patna Revenue and Land Reforms Department.
2. The Bihar State Shia Wakf Board through its Chairman, 2nd Floor, Haj Bhawan, 34, Ali Imam Path, Harding Road, Patna 800001
3. The Secretary, Bihar State Shia Wakf Board, 2nd Floor, Haj Bhawan, 34, Ali Imam Path, Harding Road, Patna 800001
4. The Chief Executive Officer, Bihar State Shia Wakf Board, 2nd Floor, Haj Bhawan, 34, Ali Imam Path, Harding Road, Patna 800001

... .. Respondent/s

with

Letters Patent Appeal No. 744 of 2018
In
Civil Writ Jurisdiction Case No.6881 of 2017

Syed Kamran Ali @ S. Kamran Ali, S/o Late Syed Kazim Ali, R/o Kazmi Begum Compound, Guzri Bazar, P.S.- Khajekalan, District- Patna.

... .. Appellant/s

Versus

1. The Principal Secretary, Minority Welfare Department, Govt. of Bihar, 34 Ali Imam Path near Haj Bhawan, Harding Road, Patna 800001
2. The Bihar State Shia Wakf Board, through its Chairman, 2nd Floor, Haj Bhawan, 34 Ali Imam Path, Harding Road, Patna 800001
3. The Secretary, Bihar State Shia Wakf Board, 2nd Floor, Haj Bhawan, 34, Ali Imam Path, Harding Road, Patna 800001
4. The Chief Executive Officer, Bihar State Shia Wakf Board, 2nd Floor, Haj Bhawan 34, Ali Imam path, Harding Road, Patna 800001

... .. Respondent/s

with

Letters Patent Appeal No. 746 of 2018
In
Civil Writ Jurisdiction Case No.2747 of 2018

Syed Kamran Ali @ S. Kamran Ali, S/o Late Syed Kazim Ali, R/o Kazmi Begum Compound, Guzri Bazar, P.S.- Khajekalan, District- Patna.

... .. Appellant/s

Versus

1. The State Of Bihar though Principal Secretary, Govt of Bihar, Old Secretariat, Patna Revenue and Land Reforms Department.
2. The Bihar State Shia Wakf Board through its Chairman, 2nd Floor, Haj



- Bhawan, 34, Ali Imam Path, Harding Road, Patna 800001
3. The Secretary, Bihar State Shia Wakf Board, 2nd Floor, Haj Bhawan, 34, Ali Imam Path, Harding Road, Patna 800001
4. The Chief Executive Officer, Bihar State Shia Wakf Board, 2nd Floor, Haj Bhawan, 34, Ali Imam Path, Harding Road, Patna 800001

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 741 of 2018)

For the Appellant/s : Mr.Raj Dular Sah, Advocate

For the Respondent/s : Mr.Md.Khurshid Alam,AAG-12
Mr.Syed Asgher Najmi, Advocate

(In Letters Patent Appeal No. 749 of 2018)

For the Appellant/s : Mr.Raj Dular Sah, Advocate

For the Respondent/s : Mr.Md.Khurshid Alam,AAG-12
Mr.Syed Asgher Najmi, Advocate

(In Letters Patent Appeal No. 745 of 2018)

For the Appellant/s : Mr.Raj Dular Sah, Advocate

For the Respondent/s : Mr.Md.Khurshid Alam,AAG-12
Mr.Syed Asgher Najmi, Advocate

(In Letters Patent Appeal No. 744 of 2018)

For the Appellant/s : Mr.Raj Dular Sah, Advocate

For the Respondent/s : Mr.Durgesh Nandan,AAG-14
Mr.Syed Asgher Najmi, Advocate

(In Letters Patent Appeal No. 746 of 2018)

For the Appellant/s : Mr.Raj Dular Sah, Advocate

For the Respondent/s : Mr.Md.Khurshid Alam,AAG-12
Mr.Syed Asgher Najmi, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 28-06-2019 Heard learned counsel for the appellant and Shri Syed Asgher Najmi, learned counsel for the Waqf Board.

The writ petition filed by the appellant was for a mandamus that the Waqf Board should be directed to appoint the petitioner as Mutawalli after the death of his father.

It is undisputed by the petitioner-appellant that his father died in 2011.



There is no averment in the writ petition as to who was managing the affairs of the Waqf property from 2011 to 2018. Neither is there any averment that no other person has been appointed as Mutawalli. In the absence of any such particulars, it appears that the petitioner has indicated the property of Waqf being misutilized or the petitioner being dispossessed unlawfully from the Waqf property by anti-social elements. This clearly is a dispute about the Waqf property and therefore the prayer made by the petitioner to appoint him as Mutawalli is not based on any disclosure of any foundational facts about the status of management from 2011 till date on the basis whereof a mandamus can be issued. Learned single Judge was therefore correct in his conclusion that if there is any such dispute about the management of the Waqf or its property, the petitioner can approach the Tribunal.

The appeal thus stands rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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