

**IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL**

ON THE 31ST DAY OF MARCH, 2021

BEFORE:

HON'BLE SHRI JUSTICE MANOJ KUMAR TIWARI

Writ Petition (M/S) No. 781 of 2021

BETWEEN:

Sajid ...Petitioner

(By Mr. Pankaj Miglani, Advocate)

AND:

Joint Magistrate, Roorkee,
& others ...Respondents

(By Mr. J.S. Bisht, Standing Counsel for the State of Uttarakhand, Ms. Nishat Intezar, learned counsel for the private respondent No. 2 and Mr. T.A. Khan, Senior Advocate appearing for respondent no. 3)

JUDGMENT

Petitioner is aggrieved by the notice dated 29.12.2020 issued by Manager, Dargah Piran Kaliyar, Tehsil Roorkee, District Haridwar, whereby petitioner has been asked to deposit a sum of ₹55,09,717/-, as remaining dues of the contract which was awarded to him in the month of September, 2019. Petitioner is also challenging the order dated 15.03.2021 passed by Uttarakhand Waqf Board, whereby his representation seeking waiver of the remaining dues was rejected.

2. Learned counsel for the respondent has drawn attention of this Court to Section 83(1) of the Waqf Act, 1995, which is reproduced below: -

"83. Constitution of Tribunals, etc.—1 [(1) The State Government shall, by notification in

the Official Gazette, constitute as many Tribunals as it may think fit, for the determination of any dispute, question or other matter relating to a waqf or waqf property, eviction of a tenant or determination of rights and obligations of the lessor and the lessee of such property, under this Act and define the local limits and jurisdiction of such Tribunals.]”

3. Learned Senior Counsel for respondent no. 3 submits that petitioner has the remedy by way of approaching the Waqf Tribunal constituted under Section 83(1) of the Waqf Act.

4. This Court finds substance in the contention raised on behalf of the respondents. Any order passed by Waqf is appealable before the Waqf Tribunal.

5. In such view of the matter, writ petition is dismissed on the ground of alternative remedy with liberty to the petitioner to approach Waqf Tribunal.

(MANOJ KUMAR TIWARI, J.)