



Order Sheet

CR No. 56 of 2023Chhattisgarh State Waqf Board **Versus** Abdul Mateen SiddiquiCR/44/2023

15/03/2024	Mr. Saket Pandey, learned counsel for the applicant. Mr. Sumesh Bajaj, learned counsel for respondent No.1. Mr. Ashutosh Shukla, Panel Lawyer for the State. Heard. Learned counsel for the petitioner submits that as per the legal requirement, the quorum of the Waqf Board has not been completed and an order has been passed which is bad in the eye of law. Considering the submission made by counsel for the petitioner, this Court deems it appropriate to direct the petitioner to implead State as party/respondent. Ordered accordingly. Learned State counsel shall seek instructions as to what steps have been taken by the State Government after the vacancy of the Tribunal as per legal requirements and shall also file written submission, in view of the judgment rendered by the Allahabad High Court in the matter of Mohammad Saleem Krodhi vs. U.P. Sunni Central Board of Waqf, Lucknow[2017 (5) ALJ 522], according to which the Waqf Tribunal comprises of three members including Chairman as per Section 83(4) of the Waqf Act, 1995.



In the instant case, learned counsel for respondent No.1 submits that one member has recused himself in the matter as he was the legal consultant for the litigant board and the order has been passed only by a single member.

In the circumstances, this Court expects that the State Government shall take all possible steps to fill-up the quorum in an expedite manner to avoid any further conflict.

Learned State counsel shall also forward a copy of this order to the concerned Secretary for taking appropriate steps.

Learned counsel for the petitioner shall supply copy of petition along with annexures to learned State counsel.

List this matter immediately after vacation.

Sd/-

(Deepak Kumar Tiwari)

Judge

Avinash