



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 5228 OF 2026 (GM-WAKF)

BETWEEN:

MOHAMMAD FAIZAN
S/O AFSAR PASHA
AGED ABOUT 29 YEARS
OCCUPATION: ADVOCATE
R/AT 4TH CROSS, SUNNI CHOWK,
ARSIKERE, HASSAN DISTRICT-573103

...PETITIONER

(BY SRI. MOINUDDIN N.,ADVOCATE)

AND:

1. THE KARNATAKA STATE BOARD OF AUQAF
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
NO. 6, CUNNINGHAM ROAD
BENGALURU 560052
2. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF MINORITY WELFARE
VIDHANA SOUDHA
BENGALURU 560001
3. THE DISTRICT WAKF OFFICER
DISTRICT WAQF ADVISORY COMMITTEE,
MOULANA AZAD BHAVAN, 1ST FLOOR,
BEHID AAKASHWANI, SALAGAME ROAD,
HASSAN-573202
4. THE SUPERINTENDENT OF POLICE

Digitally
signed by
CHAITHRA A

Location:
HIGH
COURT OF
KARNATAKA





RC ROAD, OPP GOVT HOSPITAL,
HASSAN-573201

5. DEPUTY SUPERINTENDENT OF POLICE,
ARSIKERE TOWN POLICE STATION,
ARSIKERE, HASSAN DISTRICT-573103
6. THE INSPECTOR OF POLICE,
ARSIKERE TOWN POLICE STATION,
ARSIKERE, HASSAN DISTRICT-573103
7. THE DEPUTY COMMISSIONER,
DC OFFICE COMPLEX, BM ROAD,
HASSAN DISTRICT, KARNATAKA-573201
8. TAHASILDAR,
ARSIKERE TOWN, BH ROAD, ARSIKERE,
HASSAN DISTRICT-573103
9. THE CHIEF OFFICER,
CITY MUNICIPAL COUNCIL (CMC),
BH ROAD, ARSIKERE,
HASSAN DISTRICT-573103
10. JUMMA MASJID (SUNNI),
EIDGAH AND KHABRISTAN SUNNI
MUSLIM JAMAT COMMITTEE,
HULIYAR ROAD, OPP TO SUNNI JAMA MASJID,
ARSIKERE, HASSAN DISTRICT-573103

REPRESENTED BY CARETAKER
DISTRICT WAQF OFFICER,
DISTRICT WAQF ADVISORY COMMITTEE,
MOULANA AZAD BHAVAN, 1ST FLOOR,
BEHID AAKASHWANI, SALAGAME ROAD,
HASSAN-573202

11. AFROZ PASHA,
S/O LATE MOHIDEEN SHARIFF SAB
AGED ABOUT 60 YEARS,



R/AT OPP TO AMANATH CO-OPERATIVE BANK,
HKG N NAGAR, ARSIKERE-573103

12. SYED DASTAGEER
S/O LATE SYED ABDUL RAZAK SAB
AGED ABOUT 63 YEARS,
R/AT BEHIND BAZME FAROOQIYA MADRASA,
SUNNI CHOWK, ARSIKERE-573103
13. B.S. ABDUL JAMEEL
S/O NOT KNOWN
AGED ABOUT 55 YEARS,
R/AT NEXT TO MUTTON MARKET,
MUTTON MARKET ROAD, ARSIKERE-573103
14. SHARIFF,
S/O NOT KNOWN
AGED ABOUT 62 YEARS,
R/AT BEHIND PRATHIBA COLLEGE,
TIPPU NAGAR, ARSIKERE-573103
15. SYED (SHAMIL)
S/O NOT KNOWN
AGED ABOUT 55 YEARS,
R/AT NEXT TO PRATHIBA COLLEGE,
TIPPU NAGAR, ARSIKERE-573103
16. SARVAR RAZVI
S/O NOT KNOWN
AGED ABOUT 40 YEARS,
R/AT TIPPU NAGAR, ARSIKERE-573103
17. JAVEED PASHA
S/O ABDUL KAREEM
AGED ABOUT 48 YEARS,
R/AT BEHIND BAZME FAROOQIYA,
SUNNI CHOWK, ARSIKERE-573103
18. AKRAM
S/O NOT KNOWN



AGED ABOUT 60 YEARS,
R/AT 3RD CROSS, SUNNI CHOWK,
ARSIKERE-573103

19. ASLAM @ PUNCHER ASLAM
S/O NOT KNOWN
AGED ABOUT 45 YEARS,
R/AT SUNNI CHOWK, ARSIKERE-573103

20. MOHAMMED ALI KHAN JOWHAR @ JOWHAR
S/O LATE MOHAMMED ARIF KHAN SAB
AGED ABOUT 42 YEARS,
R/AT CHANDNI CHOWK CIRCLE,
ARSIKERE-573103

...RESPONDENTS

(BY SRI. USMAN P.,ADVOCATE FOR R1 & R3;
SMT. NAVYA SHEKHAR, AGA FOR R2, R4,R5 TO R8)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING RESPONDENT NOS. 1 TO 9 TO FORTHWITH TAKE ALL EFFECTIVE MEASURES TO PROTECT WAQF LAND DULY WAQF NOTIFIED PROPERTY UNDER GAZETTE VIDE NOTIFICATION NO MBW 19 (10)/64, DATED 9TH NOVEMBER 1964, BY MYSORE STATE BOARD OF WAQF BY VIDHANA SOUDHA BENGALURU SITUATED AT OPP SUNNI JAMA MASJID AND SMJ SAMUDAYA BHAVAN, ADJACENT TO MADINA SHADI MAHAL, SHOP NOS 1, 2, 3 AND 4, HULIYAR ROAD, ARSIKERE, HASSAN DISTRICT-573103, VIDE ANNEXURE-A, H, K AND L.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



ORAL ORDER

The petitioner in the captioned petition is seeking a mandamus directing respondent Nos.1 to 9 to take all effective measures to protect Wakf land duly wakf notified property under Gazette Notification dated 09.11.1964 by Mysore State Board of Wakf.

2. Petitioner is not ventilating any personal grievances while the relief sought in the captioned petition are in the nature of Public Interest Litigation.

3. It is a settled principle of law that when the issues raised pertain to a matter of general public interest, the appropriate remedy is by way of a duly instituted Public Interest Litigation. In the present case, the petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India by filing a regular writ petition, without adhering to the well-established principles governing Public Interest Litigations.



4. The Hon'ble Supreme Court has consistently held that though the Courts are under an obligation to safeguard public interest, such causes must be espoused through a genuine and properly constituted Public Interest Litigation, supported by bona fides and substantiated by relevant material. Entertaining a writ petition in the guise of public interest, without satisfying these requirements, would result in circumventing procedural safeguards and may open the floodgates for indiscriminate litigation.

5. In that view of the matter, this Court is of the considered opinion that the present writ petition, which essentially seeks to espouse a public cause and raises issues in the nature of public interest, is not maintainable in its present form. However, liberty is reserved to the petitioner to initiate appropriate proceedings by way of a Public Interest Litigation, in accordance with law and upon compliance with the procedural requirements governing such petitions.



6. Accordingly, reserving such liberty, the writ petition stands disposed of.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

CA
List No.: 1 Sl No.: 61