

ITEM NO.203

COURT NO.12

SECTION XVII

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8624-8625 OF 2003

(From the judgement and order dated 07/01/2003 and 10.2.2003 in LPA No. 1168/2002
of HIGH COURT OF PATNA)

JANAB SYED ALI JAFRI & ORS.

Petitioner(s)

VERSUS

GULAM MOHSIN JAFRI & ORS.

Respondent(s)

(With prayer for interim relief)

(For final disposal)

Date: 11/02/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner(s)

Mr.Raju Ramachandran, Sr.Adv.

Mr.Anand Amrit Raj, Adv.

Mr. S. Chandra Shekhar,Adv.

For Respondent(s)

Dr.A.M.Singhvi, Sr.Adv.

Mr.Anurag Dubey, Adv.

Mrs.Upasana Dubey, Adv.

Mr.K.B.Upadhyay, Adv.

Mr.Arvind Tiwari, Adv.

Mr. S.R. Setia, Adv.

Mr. C.D. Singh, Adv

For State of Bihar Mr.Irshad Ahmad, Adv.

Mr. B.B. Singh, Adv

UPON hearing counsel the Court made the following

O R D E R

These matters arise out of an interim order of the Division Bench in a pending

petition regarding appointments of Chairman and members of the Shia Wakf Board under

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the provision of Section 14 of the Wakf Act, 1995. Reversing the order of the Single-

Judge, the Division Bench had appointed Mr. Jabir Hussain substituted by Mr.Nazir

Hussain to act as an administrator with the assistance of Election Commissioner until

formation of an elected Board.

Pending this Special Leave Petition, by an Order made on 10.9.2004, we

directed the State to hold elections to the Wakf Board in accordance with the schedule for

elections to be produced before this Court. On behalf of the petitioners, it is contended that Mr.

Jabir Hussain substituted by Mr. Nazir Hussain has not taken over the charge as administrator for the

reasons best known to him and the Board is non-functional. The above statement is strongly disputed by the learned counsel appearing for the respondents. It is also reported to us that the Assembly Election in Bihar are going to be held in the month of February, 2005 which may further delay further holding of election to the Wakf Board.

In the aforesaid circumstances, we find no justification to go ahead with these Special Leave Petitions which are directed only against an interim arrangement made by the Division Bench for carrying on the administration of the Wakf Board.

We, therefore, dismiss these Special Leave Petitions and remit the matters to the Division Bench of the High Court to hear the parties and find out some workable

alternative through an interim arrangement for administration of the Wakf Board pending regular elections under the provisions of the Wakf Act, 1995. Let the High Court take a decision with regard to the interim arrangement and fix a time frame for holding of

elections. Without saying anything more, we send these matters back to the High Court.

We make it clear that the High Court, shall not, in any way feel constrained by any orders earlier made by the Single Judge or Division Bench or the High Court or this Court.

(Satish K. Yadav)

Court Master

(Shelly Sengupta)

Court Master