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C.A.No. 3351-3352 OF 1998  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.3351-3352 OF 1998

KHADER SHERIFF & ORS. ... APPELLANTS

VERSUS

SYED MOINUDDIN & ORS. ... RESPONDENTS

O R D E R

The appellants herein had filed a writ petition before the High Court questioning the validity and correctness of the Order dated 10.1.1991 passed by the Wakf Board under which the 1st respondent was appointed as Mutawali on 10.1.1991 for a period of 5 years. The learned Single Judge allowed the writ petition and quashed the afore-mentioned order dated 10.1.1991. The order of the learned Single Judge was challenged in appeals before the Division Bench of the High Court. The Division Bench of the High Court reversed the order of the learned Single Judge. Hence, these appeals, aggrieved by the order made by the Division Bench.  
..2/-

.2.  
At the outset, it was pointed out to us by the learned counsel for the Wakf Board that these appeals have become infructuous/unnecessary when the period of 5 years itself has come to an end as early as in 1996. He also added that a new Wakf Act, 1995 has come into force; if at all the Wakf Board takes any action, it has to do it under the new Act. Having regard to what is stated above, when the order dated 10.1.1991 has spent itself and the period appointing Mutawali is over, in our view, it is unnecessary to examine the correctness or otherwise of the impugned order as of today. However, our not examining the validity of the order does not prejudice the rights and contentions of the parties. In case any action is taken by the Wakf Board under the new Act, it is open to the parties to challenge the same on all grounds available to them notwithstanding anything stated in the impugned judgment of the High Court.  
The appeals are disposed of accordingly. No costs.

.....J.  
[ SHIVARAJ V. PATIL ]

.....J.  
New Delhi, [ B.N. SRIKRISHNA ]  
August 12, 2004.

ITEM No.102                      Court No. 6                      SECTION XII

RECORD OF PROCEEDINGS

Civil Appeal Nos.3351-3352/98

KHADER SHERIFF & ORS. APPELLANT (S)

VERSUS

SYED MOINUDDIN & ORS. RESPONDENT (S)  
(With appln.(s) for directions and with office report)

Date : 12/08/2004 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant (s)Mr. K. Ramamoorthi, Sr.Adv.  
Mr. A.T.M. Sampath, Adv.

For Respondent (s)Mr. K. Rajendra Chaudhary, Sr.Adv.  
Mr. Krishnamurthi Swami, Adv.

Mr. Dhruv Mehta, Adv.  
Mr. Mohit Chaudhary, Adv.  
Ms. Shalini Gupta, Adv.

Mr. A. Raghunathan, Adv.

UPON hearing counsel, the Court made the following  
O R D E R

Mr. K. Ramamoorthi, learned Senior counsel for the appellants made his submissions for 10 minutes.

The appeals are disposed of in terms of the signed order. No costs.

Sarita (Shelly Sengupta)  
Court Master

(Signed order is placed on the file)