

(2018) 09 UK CK 0060

In the Uttarakhand High Court

Case No : Writ Petition No.1 232 of 2015 (M/S)

Masroor Qureshi

APPELLANT

Vs

State of Uttarakhand & others

RESPONDENT

Date of Decision : 14-09-2018

Acts Referred:

Waqf Act, 1995 — Section 65(2)

Citation : (2018) 09 UK CK 0060

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Advocate : T. A. Khan, Aditya Kumar Arya, B. D. Visen, D. Barthwal, Amish Tiwari

Final Decision : Disposed Of

Judgement

Alok Singh, J.

1) By means of present writ petition, petitioner seeks following relief, among others:

â??Issue a writ, order or direction in the nature of certiorari quashing the order dated 25.05.2015 passed by the respondent no.2 (Annexure No.1 to

the writ petition).â??

2) According to the petitioner, vide order dated 15.07.2011, the Chief Executive Officer, Uttarakhand Waqf Board appointed the petitioner as

Mutawalli of Waqf bearing no.2, 3 & 39 in Almora district. The Waqf Board passed an order dated 14.09.2011 staying the effect and operation of

order dated 15.07.2011, by which, the petitioner was appointed as Mutawalli. Thereafter, pursuant to an interim order dated 26.12.2013 passed in writ

petition No.1986 of 2011 (M/S), the Waqf Board took a decision to appoint the petitioner as Mutawalli of the Waqf and, consequently, an order dated

18.05.2015 was issued appointing the petitioner as Mutawalli.

3) The State Government while exercising the powers conferred under Section 65(2) of the Waqf Act has appointed respondent no.3-Aslam Jinnah as

Mutwalli for a period of three years.

4) Learned counsel for respondent no.3 has fairly submitted that the petitioner is challenging the impugned order by which respondent no.3 was

appointed as Mutawalli and since the term of respondent no.3 has already come to an end, therefore, no useful purpose will be served to keep the

petition pending before this Court and the writ petition has become infructuous, now, there is no need to interfere with the impugned order, inasmuch

as the term of three years has already expired.

5) Learned senior counsel for the petitioner conceded the above facts as stated by learned counsel for respondent no.3. There is no dispute that it is

the Board, which is a body created under the Waqf Act, which is empowered to make appointment of Mutawalli.

6) Looking into the above situation, the Waqf Board is directed to take appropriate steps for appointment of Mutawalli of the Waqf concerned strictly

in accordance with law. The said proceedings for appointment of Mutawalli shall be completed within a period of six weeks from the date of

production of certified copy of this order.

7) In the light of observations made above, the writ petition stands disposed of.