

(2012) 12 KAR CK 0070

In the Karnataka High Court

Case No : Writ Petition No's. 80977-978 of 2012 (GM-WAKF)

Mohiuddin Patel

APPELLANT

Vs

Karnataka State Board of Wakf and Dargah Hazrat Shaikh
Baba

RESPONDENT

Date of Decision : 14-12-2012

Acts Referred:

Waqf Act, 1995 — Section 54 (1)

Citation : (2013) 1 AKR 338

Hon'ble Judges : S. Abdul Nazeer, J

Bench : Single Bench

Advocate : B. Noor Iliyas, for the Appellant; A. Vijay Kumar, for R1-4, for the Respondent

Judgement

S. Abdul Nazeer

1. In these cases, the petitioners have challenged the validity of the notice at Annexure-J dated 10.1.2012 whereby the Karnataka State Board of Wakf, has called upon Mohiuddin Patel, the father of petitioner Nos. 1 (a), (e) to (i) and husband of petitioner No. 1(b) as to why an order should not be passed requiring him to remove the encroachment of land bearing Sy. No. 133 measuring 12 acre 20 guntas and Sy. No. 135 measuring 18 acres 16 guntas at Kal Hipparga Village. Learned Counsel for the petitioners submits that the petitioners have filed objections to the said notice. In the mean time, the 4th respondent is making efforts to forcibly evict the petitioners from the aforesaid land.

2. I have heard the learned Counsel for the parties.

3. As noticed above, Annexure-J is only a show cause notice issued u/s 54(1) of the Wakf Act, 1995 calling upon Mohiuddin Patel as to why he should not be evicted from the land in Question. The contention of the petitioners is that they have filed objections to the said notice. However, copy of the objections has not been produced along with the writ petitions. The petitioners are permitted to file

objections/additional objections, if they are so advised, on or before 14.1.2013. They are directed to appear before the enquiry officer of the Wakf Board on 14.1.2013 without any notice from him and take further orders from him. In case, the petitioners fail to file objections before the enquiry officer on 14.1.2013, the enquiry officer is directed to proceed with matter in accordance with law. If the petitioners file objections/additional objections as above, the enquiry officer is directed to consider the same in accordance with law and pass appropriate order thereon after granting them an opportunity of being heard. At this stage, learned Counsel for the respondent Wakf Board submits that the cultivation rights of the land in question has been auctioned by the Tahasildar. Learned Counsel for the petitioners submits that the said order is under challenge in W.P. No. 82845/2012. The question relating to the possession of the land has to be decided in W.P. No. 82845/2012 pending before this Court. Therefore, no opinion is expressed on this question. Writ petitions are disposed of accordingly. No costs.