
Shahid Vs Joint Magistrate, Roorkee, & Others

Writ Petition (M/S) No. 780 Of 2021

Court: Uttarakhand High Court

Date of Decision: March 31, 2021

Acts Referred:

Wakf Act, 1995 " Section 83(1)

Hon'ble Judges: Manoj Kumar Tiwari, J

Bench: Single Bench

Advocate: Pankaj Miglani, J.S. Bisht, Nishat Intezar, T.A. Khan

Final Decision: Dismissed

Judgement

Manoj Kumar Tiwari, J

1. Petitioner is aggrieved by the notice dated 29.12.2020 issued by Manager, Dargah Piran Kaliyar, Tehsil Roorkee, District Haridwar, whereby

petitioner has been asked to deposit a sum of Rs. 16,07,500/-, as remaining dues of the contract which was awarded to him in the month of

September, 2019. Petitioner is also challenging the order dated 15.03.2021 passed by Uttarakhand Waqf Board, whereby his representation seeking

waiver of the remaining dues was rejected.

2. Learned counsel for the respondent has drawn attention of this Court to Section 83(1) of the Waqf Act, 1995, which is reproduced below:-

83. Constitution of Tribunals, etc. (1) The State Government shall, by notification in the Official Gazette, constitute as many Tribunals as it

may think fit, for the determination of any dispute, question or other matter relating to a waqf or waqf property, eviction of a tenant or determination of

rights and obligations of the lessor and the lessee of such property, under this Act and define the local limits and jurisdiction of such Tribunals.]

3. Learned Senior Counsel for respondent no.3 submits that petitioner has the remedy by way of approaching the Waqf Tribunal constituted under

Section 83(1) of the Waqf Act.

4. This Court finds substance in the contention raised on behalf of the respondents. Any order passed by Waqf is appealable before the Waqf

Tribunal.

5. In such view of the matter, writ petition is dismissed on the ground of alternative remedy with liberty to the petitioner to approach Waqf Tribunal.