

(1998) 11 AHC CK 0054

Allahabad High Court

Case No: C.M.W.P. No. 19133 of 1998

Ram Kumar Gupta

APPELLANT

Vs

Shia Central Board of Waqfs, U.P
and others

RESPONDENT

Date of Decision: Nov. 10, 1998

Acts Referred:

- Constitution of India, 1950 - Article 226
- Waqf Act, 1995 - Section 83, 83(2)

Citation: (1999) 1 AWC 450

Hon'ble Judges: S.L. Saraf, J; M. Katju, J

Bench: Division Bench

Advocate: Dhruva Narayana and Bala Krishna Narayana, for the Appellant; S.C., Haider Husain and S.M. Dayal, for the Respondent

Final Decision: Disposed Of

Judgement

M. Katju and S.L. Saraf, JJ.

Heard Sri Dhruva Narayana for petitioner and learned standing counsel and Shri Haider Husain for respondents.

2. In our opinion, the petitioner has an alternative remedy to approach the Tribunal constituted u/s 83 of the Wakf Act, 1995.

3. Learned counsel for petitioner states that the Tribunal had not yet been constituted although three years have expired since the passing of the Act. Hence we direct the State Government to constitute the Tribunal u/s 83 within three months from today positively. The petitioner may approach the Tribunal as soon as it is constituted and his application u/s 83(2) will be decided within three months thereafter in accordance with law after hearing the parties concerned. Till the disposal of the application, status quo regarding the property in dispute shall be maintained.

4. Petition is disposed of finally.