

Ram Kumar Gupta Vs. Shia Central Board of Waqfs, U.P and Others

Ram Kumar Gupta Vs. Shia Central Board of Waqfs, U.P and Others

SooperKanoon Citation : sooperkanoon.com/456417

Court : Allahabad

Decided On : Nov-10-1998

Reported in : 1999(1)AWC450

Judge : M. Katju and;S.L. Saraf, JJ.

Acts : [Wakf Act, 1995](#) - Sections 83 and 83(2); [Constitution of India](#) - Article 226

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

Appellant : Ram Kumar Gupta

Respondent : Shia Central Board of Waqfs, U.P and Others

Advocate for Def. : S.C., ;Haider Husain and ;S.M. Dayal, Advs.

Advocate for Pet/Ap. : Dhruva Narayana and ;Bala Krishna Narayana, Advs.

Judgement :

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

1. 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 under Section 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 under Section 83 within three months from today positively. The petitioner may approach the Tribunal as soon as it is constituted and his application under Section 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 off finally.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com