

**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD  
(Lucknow)**

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**Public Interest Litigation (PIL) No. - 31160 of 2021**

Syed Ahmad Faraz ...Petitioner  
Through : Mr. Rajit Ram, Advocate  
v/s  
U.P. Sunni Central Board of Waqf and others ... Respondents  
Through : Mr. Qamar Ahmad Rizvi, Advocate for respondent no.1

**Coram: HON'BLE RAJESH BINDAL, CHIEF JUSTICE  
HON'BLE VIVEK VARMA, JUDGE**

**ORDER**

**VIVEK VARMA, J.**

1. Heard Sri Rajit Ram, learned counsel for the petitioner, and Sri Qamar Ahmad Rizvi, learned counsel for the respondent no.1/ U.P. Sunni Central Board of Waqf, Lucknow.
2. The petitioner has filed the instant petition in the form of Public Interest Litigation (for short, the 'PIL') seeking following reliefs:-

“(A) to issue a writ, order or direction in the nature of certiorari quashing the constitution of Indo Islamic Cultural Foundation Trust by the Uttar Pradesh Sunni Central Waqf Board, Lucknow through Trust Deeds dated 27.02.2020 and 14.09.2020 as contained in Annexures No. 1 and 2.

(B) to issue such other writ, order or direction as this Hon'ble Court may deem just and proper in the facts and circumstances of the case.

(C) to award the cost of the writ petition to the petitioner.”

3. It appears from the record that in compliance with the judgment and order dated November 09, 2019 passed by Hon'ble Supreme Court in Civil Appeal Nos. 10866-10867 of 2010 (**M. Siddiq (D) through L.Rs. Vs. Mahant Suresh Das & Ors.**) and other connected matters, a chunk of land measuring 5 acres situated in Village Dhannipur, Tehsil Sohawal, District Ayodhya was given by the State Government to U.P. Sunni Central Waqf Board (for short, the 'Board') vide Office Memorandum dated February 05, 2020 issued by the Additional Chief Secretary, Department of Home, Government of Uttar Pradesh. Consequently, the Board passed a resolution dated February 24, 2020 for constitution of a Trust in the name of 'Indo Islamic Cultural Foundation Trust' (for short, the 'Trust') through its Chief Executive Officer and accordingly, the Trust was constituted on February 27, 2020 for construction of a mosque, hospital, library, research centre, community kitchen and museum, etc. over the said land.

4. Learned counsel appearing for the respondent no.1 has raised preliminary objection regarding maintainability of the present PIL by contending that though the petition is ostensibly filed in the public interest, the petitioner has not made due disclosure as required by sub-rule (3A) of Rule 1 of Chapter XXII of the Allahabad High Court Rules, 1952, which was amended in view of the judgment of the Supreme Court passed in the case of **State of Uttaranchal Vs. Balwant Singh Chaufal & Ors., 2010 AIR SCW 1029**, and prays for dismissal of the present PIL.

5. In reply to the preliminary objection, learned counsel for the petitioner submits that the petitioner is a public spirited individual and law abiding citizen. He has been actively involved with the socio-political issues of the society in general and Muslim community in particular. The petitioner has considerable interest in the matters of Muslim and Waqfs. Neither the petitioner nor any of his relatives or friends are involved in any manner connected or concerned with the management or administration of any Waqf or with the existence of the Board. In compliance of the

judgment of the Apex Court dated November 09, 2019, the State Government has allocated the land in question to the Board on February 05, 2020. Consequently, the Board passed the resolution dated February 24, 2020 for constitution of the Trust of the aforesaid land. It is submitted that the Trust has been created only to usurp the subscriptions received from various donors specially from Muslim community.

6. Having considered the rival submissions of the learned counsel for the parties and gone through the record, we are of the opinion that it is the duty of this Court to ensure that there is no personal gain, private motive and oblique notice behind filing of the PIL. In order to preserve the purity and sanctity of the PIL, the Courts must encourage genuine and bonafide PIL and effectively discourage and curb the PIL filed for extraneous considerations. It would also be appropriate for this Court to encourage the genuine PIL and discourage the PIL filed with oblique motives. The Courts should, *prima facie*, verify the credentials of the petitioner before entertaining a PIL. It is also well settled that the Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.

7. Following the judgment of the Supreme Court passed in the case of **State of Uttaranchal** (supra), Chapter XXII of the Allahabad High Court Rules, 1952 was amended by including sub-rule (3A) in Rule 1, which is as follows:-

"(3A) In addition to satisfying the requirements of the other rules in this Chapter, the petitioner seeking to file a Public Interest Litigation, should precisely and specifically state, in the affidavit to be sworn by him giving his credentials, the public cause he is seeking to espouse; that he has no personal or private interest in the matter; that there is no authoritative pronouncement by the Supreme Court or High Court on the question raised; and that the result of the Litigation will not lead

to any undue gain to him or anyone associated with him, or any undue loss to any person, body of persons or the State."

8. This amendment was brought out in compliance of the judgment of the Supreme Court in order to ensure that the jurisdiction in public interest is invoked for genuine purposes by persons, who have bonafide credentials and who do not seek to espouse or pursue any extraneous object. Otherwise, the jurisdiction in public interest can become a source of misuse by private persons seeking to pursue their own vested interests.

9. Black's Law Dictionary, 10<sup>th</sup> Edition, defines the word 'credential' to mean a document or other evidence that proves one's authority or expertise, a testimonial that a person is entitled to credit or to the right to exercise official power.

10. So far as credential of the petitioner is concerned, he has simply stated that he is a public spirited person and has considerable interest in the matters of Muslim Law and Waqfs. Nowhere it is indicated that what public or social work has been done by him. Thus, this Court has no hesitation to note that the petitioner has not disclosed any credential. Even otherwise, there is nothing on record to indicate that the petitioner has preferred the instant petition espousing the cause of any member of a disadvantageous section of the society or any person, who is downtrodden or for certain disabled person, who is unable to approach the Court or that the matter in question relates to infringement or denial of any basic human right to such marginalized section of the society which enables the petitioner to espouse their cause. The land has been allotted to the Board by the State Government in compliance with the judgment of the Hon'ble Supreme Court and the Board has constituted the Trust for its management. The petitioner cannot compel any authority as to how it will act. It is for the authority to see that the land is managed properly and objective behind its allotment is achieved in its true sense. Thus, we are of the considered opinion that the petitioner has failed to submit before this Court regarding

his own credentials and the present petition is misuse and abuse of the process of the Court.

11. Accordingly, in the facts and circumstances of the case, as narrated above, the petition is dismissed as not maintainable in public interest at the behest of the petitioner.

Lucknow  
December 24, 2021  
AHA/SKT/-

(Rajesh Bindal)  
Chief Justice

(Vivek Varma)  
Judge

Whether the order is speaking : Yes/No  
Whether the order is reportable: Yes/No