

GAHC010259602023



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : PIL/75/2023**

ZUNAID KHALID

**VERSUS**

THE STATE OF ASSAM AND 2 ORS.  
TO BE REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,  
WELFARE OF MINORITIES AND DEVELOPMENT DEPARTMENT, DISPUR,  
GUWAHATI-6, ASSAM

2:THE CHAIRMAN  
THE ASSAM BOARD OF WAKFS  
SEUJIPATH  
HATIGAON GUWAHATI

3:THE CHIEF EXECUTIVE OFFICER  
THE ASSAM BOARD OF WAKFS  
SEUJIPATH  
HATIGAON GUWAHAT

For the petitioner : Mr. A.R. Bhuyan, Advocate

For the respondents : Ms. M.D. Borah, Advocate

For the respondent Nos.1 and 3

– B E F O R E –

**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI**  
**HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**10-05-2024**

*(Vijay Bishnoi, C.J.)*

1. As per office report, notice upon the respondent No.2 has not been served. However, learned counsel for the petitioner has submitted that notice upon the respondent No.2 has been served and in relation to that an affidavit has also been filed.
2. This writ petition is filed essentially raising a grievance that the Waqf properties in the State of Assam have been encroached by various persons and the authorities concerned are not taking any action for removal of encroachment. In this writ petition, the Secretary to the Government of Assam, Welfare of Minorities and Development Department; the Chairman, the Assam Board of Waqf and the Chief Executive Officer, the Assam Board of Waqf have been impleaded as party respondent Nos.1, 2 and 3.
3. Ms. M.D. Borah, learned counsel puts in appearance on behalf of respondent Nos.1 and 3. Since the Chief Executive Officer, the Assam Board of Waqf has already been represented and has filed an affidavit in counter, we are of the view that service of notice upon the respondent No.2, the Chairman of the Assam Board of Waqf is not much required.
4. It is noticed that in the writ petition, the petitioner has come up with the case that he moved representations to the Chairman of the Assam Board of

Waqf, the Chief Executive Officer of the Assam Board of Waqf and Deputy Secretary to the Government of Assam, Welfare of Minorities and Development Department. From the perusal of the said representations, it is clear that the petitioner has complained about Waqf property belonging to Golam Rahman Waqf Estate only and has not raised any grievance about the Waqf properties of the entire State of Assam, which are allegedly encroached by the encroachers.

5. It is contended by the learned counsel for the petitioner that he filed an application in the RTI seeking information regarding the encroachment over the Waqf properties in the State of Assam and the authorities concerned has supplied him the list of encroachers over the land and on the basis of that he has filed this writ petition praying for issuing directions to the respondents to get the encroachment removed from the Waqf properties.

6. Having gone through the writ petition as well as the documents annexed thereto, we are of the view that the writ petition is filed without proper research and the same is based only on vague and bald allegations. A person who files any petition in public interest, is supposed to do proper research and place relevant and cogent material before the Court for the public cause. All these elements are missing in the present writ petition. Hence, we are not inclined to entertain this writ petition in the form of public interest litigation and the same is, therefore, dismissed.

7. However, if the petitioner is having any grievance, he can move a representation before the Chief Executive Officer of the Assam Board of Waqf with proper details and sufficient material. On receipt of such representation, the Chief Executive Officer of the Assam Board of Waqf may examine the grievance and also take into consideration the material placed by the petitioner and thereafter, act in accordance with law, particularly, under Section 54 of the

Waqf Act, 1955, if required so.

Ordered accordingly.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**