

**Court No. - 1**

**Case :-** P.I.L. CIVIL No. - 31358 of 2019

**Petitioner :-** Masarrat Husain

**Respondent :-** U.O.I.Thru.Secy.Ministry Of Minority Affairs New Delhi & Ors

**Counsel for Petitioner :-** Ishita Yadu,Harsh Vardhan Mehrotra

**Counsel for Respondent :-** C.S.C.,A.S.G.,Q.H.Rizvi,S.A.A.Rizvi

**Hon'ble Pankaj Kumar Jaiswal,J.**

**Hon'ble Alok Mathur,J.**

Heard Ms. Ishita Yadu, learned counsel for the petitioner, Sri S.B. Pandey, learned Senior Counsel and A.S.G.I. assisted by Sri Varun Pandey, learned counsel for the respondent no. 1, Sri Q.H. Rizvi, learned counsel for the respondent no. 3, Sri S.A.A. Rizvi, learned counsel for the respondent no. 4 and Sri Manish Mishra, learned Standing Counsel for the respondent no. 2.

By this writ petition the petitioner is praying for issuance of writ of mandamus directing the respondent nos. 1 and 2 to pass appropriate orders for setting aside the establishment of two separate Wakf Boards in the State of U.P. and to constitute one Muslim Wakf Board for the entire State of U.P. in consonance with the provisions of Section 13 (2) of Wakf Act, 1995.

Learned counsel for the petitioner has drawn our attention to the representation dated 24.09.2019 and contended that as per Section 13 (2) of Wakf Act, 1995 the State Government is empowered to establish separate Wakf Boards for Shia and Sunni sects respectively, only upon the satisfaction of either of two contingencies i.e. either the number of Shia Wakf in the State are more than fifteen percent of all the Wakf in the State or the income of the properties of the Shia Wakf in the State constitutes more than fifteen per cent of the total income of properties of the Wakf in the State. Learned counsel for the petitioner submits that the said condition mentioned in Section

13 (2) of Wakf Act, 1995 has not been complied with by the State, therefore, petitioner moved the representation aforesaid which is still pending for consideration.

Considering the aforesaid, without making any comment on the merits of the case, respondent nos. 1 and 2 are directed to consider and decide the representation of the petitioner, in accordance with law, after complying the necessary provisions as mentioned in the Wakf Act, 1995.

With the aforesaid, writ petition is disposed of.

[ Alok Mathur, J. ] [ Pankaj Kumar Jaiswal, J. ]

**Order Date :-** 15.11.2019  
Shekhar