IN THE HIGH COURT OF KARNATAKA,

DHARWAD BENCH

DATED THIS THE 20TH DAY OF JANUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 106878 OF 2023 (GM-RES)

BETWEEN:

SYEAD MAHIBOOB S/O. IBRAHIM SHARIF MUJAWAR,
AGE. 68 YEARS, OCC. MUJAWAR,
R/O. HAZARAT MARDANEGAIB DARGAH,
KOPPAL-583231
TQ/ DIST. KOPPAL.

...PETITIONER

(BY SRI. SHRIHARSH A NEELOPANT.,ADVOCATE)

AND:

1. THE CHIEF EXECUTIVE OFFICER,
   KARNATAKA STATE BOARD OF AUQAF,
   DARUL AWKAF, #6, CUNNINGHAM ROAD,
   BANGALORE-560052.

2. THE DISTRICT WAKF OFFICER,
   DISTRICT WAKF OFFICE,
   MAULANA AZAD BHAVAN,
   KOPPAL-583231, TQ/DIST. KOPPAL.

...RESPONDENTS

(BY SRI. D L LADKHAN., ADVOCATE FOR R1 & R2

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO PERMIT THE PETITIONER FOR PERFORM HIS DAY TO DAY RITUAL DUTIES OF HAZARAT MARDANEGAIB DARGAH, KOPPAL AND CONDUCT THE URS REGULARLY BY CONSIDERING THE REPRESENTATIONS DATED. 06.02.2023 AS PER ANNEXURE-C AND D RESPECTIVELY AND ETC.

YASHAVANT NARAYANKAR
Digitally signed by YASHAVANT NARAYANKAR

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. The petitioner is before this Court seeking for the following reliefs:

   a. Issue a writ or order or direction in the nature of Writ of Mandamus directing the respondents to permit the petitioner for perform his day to day ritual duties of Hazarat Mardanegaib Dargah, Koppal and conduct the Urs regularly by considering the representations dated: 06.02.2023 as per Annexure-C and D respectively.

   b. Grant such other reliefs as deemed fit by this Hon'ble Court in the circumstances of the case, in the interest of justice and equity.

2. The grievance of the petitioner is that the Members of the Management Committee of Hazarat Mardanegaib Darga, Koppal have denied the petitioner, the right to perform daily rituals on the ground that he was in a drunk state of mind and had restrained him from entering the Darga. A representation was submitted by the petitioner on 6.2.2023 to the respondents to permit him to perform the daily rituals on the ground that the denial by the said Darga was improper.

3. Despite the said representation having been submitted, no order has been passed and it is aggrieved by same the petitioner is before this Court seeking for the aforesaid reliefs.

4. Respondent No.2 being the District WAKF Officer under whose jurisdiction all the WAKF including the Durga come under and respondent No.1 being the Chief Executive of the Karnataka State Board of WAKF being the superintendent authority over the entire state.

5. Whenever a representation is submitted, it is required that the said authorities consider the same in accordance with law and pass necessary orders either accepting or rejecting the representation within a reasonable period of time, such order to be accompanied by reasons. Neither having been done and the respondents having sat on the

representation submitted by the petitioner on 6.2.2023 without passing any orders, the petitioner has been deprived of legal remedies. As such, I pass the following;

ORDER

i. The writ petition is ***allowed***.

ii. A mandamus is issued, directing the respondents to consider the representation submitted by the petitioner dated 6.2.2023 at Annexure-C and D respectively, within a period of 30 days from the date of receipt of a copy of this order.

iii. It is made clear that this Court has not made any observation on the merits of the matter and the merits would have to be considered by respondents in accordance with law.

Sd/-
JUDGE

SR List No.: 1 Sl No.: 49