

Karnataka High Court Syed Fakrualla Basha Sha Kadri @ . . . vs The Karnataka State Board Of Wakfs on 27 January, 2015 Author: S.Abdul Nazeer 1

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JANUARY 2015

BEFORE  
THE HON'BLE MR.JUSTICE S. ABDUL NAZEER

WRIT PETITION NO.56416 OF 2014 (GM-WAKF)

BETWEEN:

1. Syed Fakrualla Basha Sha Kadri @ Jubeer Aged about 51 years S/o. Late Syed Maqdoom Mohiddin Sha Khadari @ Dadapeer.
2. Syed Kareem Ulla Sha Khadri Aged about 40 years S/o. Late Syed Maqdoom Mohiddin Sha Khadari @ Dadapeer.
3. Syed Masthanmomim Sha Khadri Aged about 34 years S/o. Late Syed Maqdoom Mohiddin Sha Khadari @ Dadapeer.

All the appellants are residents of Kesarmadu Village Urudagere Hobli Tumkur Taluk Tumkur District - 572 104. . . .Petitioners

(By Sri. C.K. Nanda Kumar, Adv.,) 2

AND:

1. The Karnataka State Board of Wakfs Represented by its Secretary No.6, Cunningham Road Bangalore- 560 052.
2. The Chairman District Wakf Committee Tumkur District Tumkur - 572 101.
3. Tahasildar Kesarmadu Village Uridigere Hobli Tumkur Taluk Tumkur District - 572 104.
4. Syed Moinuddin Shah Khadri Aged about 38 years S/o. Syed Maqdoom Mohiddin Sha Khadri Kesarmadu Shariff Kesarmadu Village, Ooridigere Hobli Tumkur Taluk Tumkur District - 572 104. . . . Respondents

(By Smt.S.R.Anuradha, Adv. for R.1 & R.2 Smt.B.P.Rupa, HCGP for R.3 Sri. Fayaz Sab B.G., Adv. for R.4)

This writ petition is filed under Articles 226 &

227 of the Constitution of India, praying to direct the R.3 to issue license as per the application filed at Ann-X2 to the petitioners who are the managers and Sajjade Nashin of the Dargah of Hazrath Sha Momin Badsha Khadri Al Bagdadi to perform the 3

yearly urs falling on December 14 and 15 2014 this year and etc.

This writ petition coming on for orders this

day, the Court made the following:

#### ORDER

In this case the petitioners have called in question the validity of the order at Annexure-S dated 28.11.2014, whereby the first respondent has permitted the fourth respondent to perform the annual Urs of the Dargah Hazrath Sha Momin Badsha Khadri Al Bagdadi, Kesarumadu Village, Tumkur Taluk. 2. An interim order was passed on 12.12.2014, permitting the fourth respondent to perform the Urs without prejudice to the contentions of the petitioners. It is not in dispute that pursuant to this order, the fourth respondent has performed the Urs. It is also an admitted position that the suits are pending between the parties before the Civil Court at Tumkur, in relation to the aforesaid Wakf institution. Therefore, in the interim order, this Court has observed that the fourth respondent has to independently establish his right in the suits. Since the Urs has already been performed, nothing further survives in this writ petition. It is accordingly dismissed. However, all contentions of the parties are kept open. 3. In view of the dismissal of the writ petition as above, IA.1/2015 does not survive for consideration. It is accordingly dismissed. No costs. Sd/- JUDGE SA\*