

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPPIL No. 28 of 2021**

- Saiyad Iqbal Ahamed Rizvi S/o Late S.A. Rizvi Aged About 76 Years Advocate, R/o Bans Tal G.E. Road Raipur , Tahsil And District Raipur Chhattisgarh

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through Its Secretary, Revenue Department Mantralaya Mahanadi Bhawan, Atal Nagar, New Raipur Chhattisgarh.
2. The Secretary Scheduled Tribe And Scheduled Caste Minority And Backward Development Department, Mantralaya Mahanadi Bhawan, Atal Nagar, New Raipur Chhattisgarh
3. The Secretary Law And Legislative Department , Mantralaya Mahanadi Bhawan, Atal Nagar, New Raipur Chhattisgarh
4. The Chief Executive Officer Chhattisgarh State Waqf Board, In Front Of Statute Of Dr. Bhim Rao Ambedkar, Collectorate Chowk, Raipur Chhattisgarh

---- Respondent

For Petitioner Mr. Manoj Kumar Dubey, Advocate

For State Mr. SC Verma, Advocate General with Mr.
Sudeep Agarwal, Dy. AG

Proceedings through Video Conferencing

DB.: **Hon'ble Mr. Prashant Kumar Mishra, Ag. C.J &**
Hon'ble Mrs. Rajani Dubey, J.

Order on Board by Prashant Kumar Mishra, Ag. C.J.

13/8/2021

1. Heard.
2. In this PIL, the petitioner has prayed for a declaration/clarification of the legal position that the Nazul property (lease hold lands) cannot be dedicated for waqf for the reason that the lease land holder is simply a user and the ownership remains with the Government.
3. The writ Courts ordinarily do not decide abstract principles of law. If a proper lis is brought before the Court between the contesting parties on the given set of facts, the competent jurisdictional Court will decide the legal position.
4. In PIL jurisdiction, this Court cannot embark upon decision making process to hold as to when a Hindu can execute a will or as to when and which property a Muslim can dedicate for waqf, as such matters are decided in an individual petition.
5. In the aforesaid view of the matter, the PIL is disposed of reserving liberty in favour of the petitioner to agitate the issue in an appropriate lis, wherein, the subject issue is involved on the facts of the case.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Rajani Dubey)
Judge