



2026:AHC-LKO:3750-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 12297 of 2025

Faisal Khan

.....Petitioner(s)

Versus

U.P. Sunni Central Waqf Board Thru. Chief
Executive Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Faisal Ahmad Khan
Counsel for Respondent(s)	:	Mohammed Hamza Shamim

Court No. - 3

**HON'BLE SHEKHAR B. SARAF, J.
HON'BLE MANJIVE SHUKLA, J.**

1. Heard Sri Faisal Ahmad Khan, learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the respondents.
2. From a perusal of an order dated July 29, 2025, it appears that a writ petition had been filed bearing Matters Under Article 227 No.4403 of 2025 before the Single Judge. The relevant order is delineated below:-
 - "1. Heard learned counsel for the petitioner and Shri Ashutosh Kumar Srivastava, learned counsel for respondent.
 2. The present petition has been filed challenging an order dated 01.10.2024, whereby the appointment of the petitioner as Mutawalli was recalled.
 3. The submission of learned counsel for the petitioner is that the petitioner has already approached the Waqfs Tribunal under Section 83 of the Waqf Act, 1995. However, as the Tribunal has not been constituted and is not functional, the petitioner has approached this Court.
 4. Learned counsel for the respondent has drawn my attention to the amendment in Section 83 of the Waqf Act, 1995, which prescribes that in case, there is no Tribunal or the Tribunal is not functioning, the person aggrieved may appeal with the High Court

directly.

5. In view of the bar, I am not inclined to entertain the petition under Article 227 of the Constitution of India.

6. However, the petitioner would be at liberty to prefer an appeal, if so advised, in accordance with law.

7. Certified copy of the impugned order shall be returned to the petitioner on his moving an appropriate application.

8. The petition stands disposed of."

3. Upon a perusal of the above order, it is clear that the petitioner had been granted liberty to prefer an appeal before the High Court. However, it appears that a second writ petition has been filed.

4. We are not inclined to entertain this writ petition, and accordingly, **disposed of** the same with liberty granted to the petitioner to act in accordance with the order dated July 29, 2025.

5. We are also given to understand that there is a vacancy with regard to the Waqf Tribunal in the State of Uttar Pradesh and due to the same, no effective hearing is taking place before the Tribunal.

6. In light of the same, we request the State Government to look into the said issue and make an appointment to the Waqf Tribunal expeditiously, in accordance with law.

7. Senior Registrar is directed to communicate the above to the State Government.

January 19, 2026
cks/-

(Manjive Shukla,J.) (Shekhar B. Saraf,J.)