

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8684/2007

UMAR FAROOQ & ANR

..... Petitioner

Through Mr. B.U. Barqui and Mr.M.Ahmed,
Advocates.

versus

MCD & ORS

..... Respondent

Through Mr.Rohit Madan, Advocate for
respondents 3-4.

Mr. M.K. Singh, Advocate for DDA.

Mr. K.S. Bhati, Advocate for Delhi Wakf Board

Mr. Anoop Bagai, Advocate for MCD.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% 18.02.2008

1. The petitioner claims that the land in question bearing municipal no. 7227/XV, Aram Nagar, Qutub Road, Nabin Karim, Paharganj, New Delhi is wakf land and belongs to Delhi Wakf Board. The petitioner relies upon and has referred to a Civil Suit no. 68/1984 filed by Mr. Fakku Shah. Copy of the plaint and the interim orders passed by the Civil Judge have been enclosed in the petition. It is claimed that the Delhi Municipal Corporation should not have given permission to the Delhi Police to construct a police station on the said land.

2. Respondents 3-4/Delhi Police have filed their counter affidavit. It is stated by the Delhi Police that the land measuring 675 sq. yds. bearing plot no. no. 7227/XV, Aram Nagar, Qutub Road, Nabin Karim, Paharganj, New Delhi was allotted to them by DDA on 22nd March, 1983. Letter written by the DDA is also enclosed. Delhi Police has also paid consideration to DDA for the said land. It is further stated by the Delhi Police that the petitioner has referred to the suit filed by Mr. Fakku Shah and the interim orders passed therein but the petitioner has deliberately not stated the fate of the said civil suit which was dismissed as withdrawn on 15th April, 1998.

3. MCD has also filed a short counter affidavit. It is stated that the building plans were sanctioned on 7th December, 2006 in accordance with the building

bye laws and on 17th December, 2007, on inspection it was found that digging of basement and foundation work was in progress.

4. Delhi Wakf Board has not bothered to file its counter affidavit.

5. I feel that the petitioner deliberately concealed the fact that the civil suit filed by Mr. Fakku Shah has been dismissed. It cannot be believed that the petitioner was aware of the interim orders, had copy of the plaint and the interim orders but was not aware of the Order dated 15th April, 1998. The petitioner is accordingly not entitled to any relief as he had not come to this Court with clean hands and has deliberately concealed facts about the dismissal of the said Suit vide Order dated 15th April, 1998. In view of the stand taken by the respondents 3-4/Delhi Police and MCD, I do not think the petitioner is entitled to any relief. However, it is open to the Delhi Wakf Board to take up the issue with the DDA in case the said respondent has any claim on the land.

Writ Petition is accordingly disposed of.

SANJIV KHANNA, J.

FEBRUARY 18, 2008

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