

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT SRINAGAR**

WP(C) 2167/2023

RAUF AHMAD MATOO AND OTHERS

...Petitioner(s)/Appellant(s)

Through: Mr. Taha Khalil, Advocate

**Vs**

UNION OF INDIA AND OTHERS

...Respondent(s)

Through: Mr. T. M. Shamsi, DSGI  
Mr. Satinder Singh Kala, AAG  
Ms. Shagufta Maqbool, Advocate  
Mr. Ruaani Baba, Advocate

**CORAM:**

**HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE**

**ORDER**

**21.12.2024**

1. By this petition, petitioners question the notices and orders issued by the respondent No. 2, Chairperson J&K Wakf Board, Raj Bagh whereby the petitioners, in the capacity as tenants of certain shops belonging to the Wakf Board, have been asked to pay the arrears of rent on revised rates or to vacate the shops.
2. During the pendency of the instant petition, an objection has been raised with respect to the maintainability of the instant petition viz-a-viz the jurisdiction of this Court to adjudicate upon an issue arising out of an act done by the J&K Wakf Board being amenable to the jurisdiction of Wakf Tribunal.
3. Learned appearing counsel for the petitioners has produced a copy of the judgment dated 29.02.2024 passed by this Court in case titled "*Traders Association Ziyarat Baba Reshi (RA) Tangmarg vs Union Territory of J&K and Others*" bearing WP(C) No. 2361/2022 in terms whereof this Court has held that every action taken by the J&K Wakf Board is amenable to the jurisdiction of Wakf Tribunal and till the time such Tribunal is created for the Union Territory of Jammu and Kashmir, status quo has been ordered. It would be profitable to reproduce relevant paragraph of the judgment supra as under:

*"23. In the premises, writ petitions are held not maintainable and the same are, accordingly, dismissed. However, while dismissing the writ petitions and taking*

*note of the chaotic situation created due to non constitution of the Tribunal or Tribunals, a direction is issued to the Government of Union Territory to constitute one or more Tribunals, as it may think fit, in terms of Section 83 of the Act within a period of two months from the date of this judgment. Till the Government constitutes Tribunal/Tribunals in terms of Section 83 of the Act, there shall be status quo with regard to the subject matter of these writ petitions.”*

4. Learned counsel for the petitioners further submits that the said Tribunal has not yet been created in the Union Territory of Jammu & Kashmir, therefore, this Court is the only forum available to the petitioners to question the impugned notices and orders of the respondent No. 2.
5. Be that as it may, this Court in terms of the judgment supra has specifically dealt with and decided the same issue raised before it by providing that the official action of the J&K Wakf Board is amenable to the jurisdiction of Wakf Tribunal only and this Court can extend an interim protection to the petitioners for the time that may get consumed in availing such remedy.
6. In the circumstances, the instant writ petition, with the consent of the learned counsel for the parties, is disposed of by providing that petitioners shall approach the Wakf Tribunal to question the impugned notices and orders. Taking note of the fact that there is no such Tribunal available in the Union Territory of Jammu & Kashmir and having regard to the ratio laid down in the judgment supra, the operation of the impugned notices and orders shall remain stayed till the time the Government constitutes the Wakf Tribunal in the Union Territory of Jammu & Kashmir.
7. Disposed of on the above lines.

**(MOKSHA KHAJURIA KAZMI)**  
**JUDGE**

**SRINAGAR**  
**21.12.2024**  
Aamir