

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.2401 of 2012 (O&M)

Date of decision: 6.5.2015

Punjab Wakf Board

..... Petitioner

Versus

Arvind Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sharad Mehra, Advocate, for
Mr. Prateek Mahajan, Advocate, for the petitioner.

Mr. Animesh Sharma, Advocate, for the respondent.

RAJESH BINDAL, J

Challenge in the present petition is to the order dated 8.9.2011 passed by the Tribunal under the Wakf Act, 1995 (for short "the Act"), whereby, the objection petition filed by the respondent was allowed and the judgment and decree dated 4.9.2004 passed in a suit filed by the petitioner seeking eviction of the respondent from a wakf property was held to be non-executable.

Learned counsel for the respondent submitted that in terms of the judgments of Hon'ble the Supreme Court in Ramesh Gobindram (dead) through LRs. v. Sugra Humayun Mirza Wakf, 2010(8) SCC 726 and Faseela M. v. Munnerul Islam Madrasa Committee and another, 2014 (2) RCR (Civil) 890, jurisdiction to deal with the cases of eviction of tenants from the wakf property lies in the civil court and not before the Tribunal constituted under the Act.

Learned counsel for the Wakf Board could not dispute the aforesaid fact.

In view of the law laid down by Hon'ble the Supreme Court in the aforesaid cases when the Tribunal did not have jurisdiction to deal with the issue, the order passed by the Tribunal is set aside. The suit filed by the Wakf Board before the Tribunal is directed to be returned back to it with liberty to present the same in the court of competent jurisdiction.

The petition stands disposed of.

**(RAJESH BINDAL)
JUDGE**

6.5.2015

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