

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

Civil Revision No.4711 of 2010 (O&M)

Date of decision: 6.5.2015

Hans Raj and another

..... Petitioners

Versus

Punjab Wakf Board and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Mukesh Kumar Verma, Advocate, for the petitioners.

Mr. Sandeep Punchhi, Advocate, for the Wakf Board.

RAJESH BINDAL, J

Challenge in the present petition is to the order dated 16.7.2009 passed by the Tribunal under the Wakf Act, 1995 (for short “the Act”), whereby, the issue Nos.2 to 4 in the suit filed by the Wakf Board seeking eviction of the petitioner from the property in dispute have been decided in favour of respondent No.1.

Learned counsel for the petitioners 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/*sharmila*