

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

Civil Revision No.6618 of 2005 (O&M)
Date of decision: 6.5.2015

Shisha Singh and another

..... Petitioners

Versus

Punjab Wakf Board

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sanjiv Gupta, Advocate, for the petitioners.

Mr. Jai Bhagwan, Advocate, for the Wakf Board.

RAJESH BINDAL, J

Challenge in the present petition is to the order dated 12.11.2005 passed by the Tribunal under the Wakf Act, 1995 (for short “the Act”), whereby, the suit filed by the Wakf Board seeking eviction of the petitioners from the property in dispute has been decreed.

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 submitted that as the petitioners failed to pay the lease money, they were no more tenants. Hence, the Tribunal under the Act will have the jurisdiction to go into the issue raised in the suit filed by the respondent.

However, I do not find any merit in the submissions made by respondent. Once, it is admitted that the property in dispute belongs to the wakf, the petitioners were earlier the tenants and the suit was filed seeking possession on the ground that the petitioners had failed to pay the lease money, in terms of the judgments of Hon'ble the Supreme Court in the aforesaid cases, 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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