

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

(1) LPA No. 759 of 2015 (O&M)

Lakhwinder Kaur and others APPELLANTS

Versus

Punjab Wakf Board, Ambala Cantt and others RESPONDENTS

(2) LPA No. 869 of 2015 (O&M)

Balkar Singh and another APPELLANTS

Versus

Punjab Wakf Board, Ambala Cantt and others RESPONDENTS

(3) LPA No. 889 of 2015 (O&M)

Kulwant Singh and others APPELLANTS

Versus

Punjab Wakf Board, Ambala Cantt and others RESPONDENTS

(4) LPA No. 890 of 2015 (O&M)

Sucha Singh APPELLANT

Versus

Punjab Wakf Board, Ambala Cantt and others RESPONDENTS

DATE OF DECISION : 24.08.02015

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Ms. Poonam Josan, Advocate, for the appellants.

SATISH KUMAR MITTAL, J.

This order shall dispose of LPA Nos. 759, 869, 889 and 890 of

2015.

All these intra-court appeals under Clause X of the Letters Patent have been filed against the common order dated 16.01.2014 passed by the learned Single Judge, whereby 19 writ petitions have been allowed.

The appellants herein were not party before the learned Single Judge. Therefore, along with all these appeals, they have filed separate applications under Rule 2 Chapter 1 Part-C of the Punjab and Haryana High Court Rules and Orders (Volume 5) read with Section 151 CPC for leave to file appeal against the impugned order. They have also filed separate applications for condonation of delay in filing these appeals.

Vide the impugned order dated 16.01.2014 passed by the learned Single Judge, 19 writ petitions filed by the Punjab Wakf Board were allowed and the allotment of the wakf property made by the State in favour of the private persons were set aside, while holding that the wakf property vesting in the Wakf Board could not have been allotted by the State Government.

Before the learned Single Judge, allottees of the land (wakf property) or subsequent alienees argued that their interest be protected. Therefore, they should be granted liberty to approach the State Government for alternative allotments. While allowing the writ petitions, the learned Single Judge granted liberty to the allottees or their subsequent alienees to make claim for alternative allotments. It was specifically mentioned that the said direction may not be understood as constituting any vested right in them for any alternative allotment. However, the writ petitions were allowed while observing that the State Government may consider their claim for

alternative allotment in the light of the availability of land or the entitlements under any particular law.

Undisputedly, all the appellants herein are the purchasers of the land from the allottees or their alienees during the pendency of the writ petitions and they cannot claim themselves to be bonafide purchasers. They never moved any application before the learned Single Judge for impleading them as assignees. Therefore, in our opinion, they are bound by the impugned order passed by the learned Single Judge. As far as filing of appeal by them is concerned, it is pertinent to mention here that against the impugned order passed by the learned Single Judge, LPA No. 482 of 2014 filed by one Sucha Singh and his wife Rattan Kaur (respondents in CWP No. 213 of 1994) was dismissed by a Division Bench of this court, while observing as under :-

“This letters patent appeal impugns the order dated 16.01.2014 passed by the learned Single Judge whereby allotment of the disputed land in favour of the vendor of appellants by the State Government, has been held to be invalid, on the ground that the said property belongs to Wakf Board. The learned Single Judge has held so while accepting the petition filed by Wakf Board wherein the orders passed by the Chief Settlement Commissioner, etc., were challenged.

It is an undisputed fact that vide notification dated 11.09.1971 (Annexure P-13), the subject land was declared as 'wakf property' and it also appears from the photographs on record that a Masjid was constructed on the part of the land. In the light of the overwhelming proof including entries in the

revenue record, the finding returned by the learned Single Judge calls for no interference.

As regard to the appellants, who are vendees of the original allottee, the learned Single Judge has given them liberty to approach the State Government for the allotment of alternative land.

In this view of the matter, while we decline to interfere with the order passed by the learned Single Judge, the instant appeal is disposed of with a direction that as and when the appellants apply for allotment of alternative land, the State Government/Competent Authority shall decide their claim within a period of six months from the date of submission of such an application.

Ordered accordingly.

Dasti.”

The aforesaid order is binding on us and we are not inclined to interfere in the impugned order passed by the learned Single Judge. Thus, we do not find any ground to grant leave to the appellants, who are purchasers lis pendens, to file appeal against the impugned order, which has already been upheld by this court in LPA No. 482 of 2014.

Dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

August 24, 2015
ndj

**(MAHAVIR S. CHAUHAN)
JUDGE**