

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

CR No.2138 of 2004 (O&M)

Date of Decision:14.03.2016

The Punjab Wakf Board

.....Petitioner

Vs.

Yoginderpal Sharma @ Y.P. Sharma

.....Respondent

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present:- Mr. Jai Bhagwan, Advocate for the petitioner.
Mr. A.K. Khunger, Advocate for the respondent.

K. KANNAN, J.(Oral)

CM No.2457-CII of 2016

Reply filed is taken on record.

CM is disposed of.

CR No.2138 of 2004

The revision is by the Wakf Board against the judgment and decree passed by the Wakf Tribunal dismissing the suit. The Tribunal has found the identity of the property as property held by the defendant which was previously held by his father and dismissed the suit on the ground that Wakf Board had not shown that it can be lawfully represented by the Estate Officer and that the document filed for proof by vesting with the Wakf Board did not give the entire description but had merely provided truncated information about the property involved in dispute.

The revision petitioner has filed the two documents, both of which are government gazette notifications which show that the Central Government had extended the period of supercession for a period of six months commencing from 1st November, 2001 to 30th April, 2002 and vesting the powers with Estate Officer to act on behalf of the Administrator

through the notification issued on 21.11.2000. The suit had been filed on 8.1.2002. The government notification makes evident that the administrator had authorised the Estate Officer to represent the Wakf Board during the period between the 1st November, 2001 to 30th April, 2002 which included the period of institution of a case. The issue of maintainability as decided by the Tribunal was, therefore, erroneous and set aside.

As regards the observations made that the gazette notification was incomplete and it had not set out all the properties which stood vested through the notification issued under Section 4 of the Wakf Act, 1995, the whole text of notification is now being produced as Annexure A.3. The counsel would refer me to serial No.552 describes to property as Mosque No.B 1-1-R-1S.

Mosque No.B 1-1-R-1S situate inside Delhi Gate, Ferozepur City in the extent of 4 marlas 5 sq. yards. The last column in the document states that the property is in an unauthorised possession of Brij Lal Sharma. The defendant is admittedly the son of Brij Lal Sharma. I have already referred to the observations of the Tribunal that the defendant's possession of property was only through his father.

As regards the locus standi as well as the identity, the revision petitioner established through additional documents brought before this Court and Wakf Board is entitled to secure ejectment of the respondent from the suit property.

The impugned order of dismissal is set aside and the revision petition is allowed.

March 14, 2016
renu

(K.KANNAN)
JUDGE