

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

**CR No. 2254 of 2005 (O&M)
Date of decision: 17.02.2016**

Punjab Wakf Board	versus	... Petitioner
State of Haryana and others		 Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sandeep Punchhi, Advocate for the petitioner.
 Mr. Siddharth Sanwania, DAG Haryana.

K.Kannan, J. (ORAL)

In a suit instituted by a person claiming to be a lessee of the Wakf Board, in relation to the property before the Wakf Tribunal, he sought for a relief that the property in the possession of the State shall be directed to be handed over to the plaintiff. The Tribunal has dismissed the petition but has held also that the property did not belong to the Wakf Board.

I vacate the finding, for, if the suit for the relief for a direction to hand over the property was itself not competent. The Tribunal would be incompetent to make a further adjudication whether the Wakf Board was the owner or not. The State and Wakf Board may engage in any independent adjudication of whether the property belongs to the Wakf or the State amongst themselves in an independent suit before a Tribunal and if such a suit is filed, the adjudication made in this proceedings will not come in the way.

The civil revision petition is allowed but subject to the above observations.

**(K.KANNAN)
JUDGE**

17.02.2016
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