

212.

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

Civil Revision No.5854 of 2013

Date of decision:29.02.2016

Rajesh Kumar

... Petitioner

versus

Punjab Wakf Board

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Naresh Jain, Advocate,
for the petitioner.

Mr. G.N. Malik, Advocate,
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. There are two weighty reasons why the revision petition cannot be accepted and it ought to fail. One is that the plaintiff was suing for injunction before the Wakf Tribunal when there was no requirement of an adjudication whether the property belonged to the Wakf or not. The admitted plea was that the property belonged to the Wakf. The suit was incompetent and the relief of injunction, equally so. The second reason why the injunction cannot be granted is that admittedly the lease executed by the Wakf Board in 2007 was for a period of 3 years and it expired by 2010. The principle of Transfer of Property Act will applicable even to agricultural

tenancies in so far as termination of tenancies are concerned if they accord with equity and good conscience. If there is any State legislation which protects an agricultural tenant after the period of lease then the person that pleads for relief of injunction is bound to set it aside by the court in that regard. There is no attempt made by the counsel for the petitioner to show that an agricultural tenant also becomes a statutory tenant beyond the period of lease. The counsel only refers me to an order of reference in a Civil Appeal No.4245 of 2012 by the Supreme Court in *Shyam Lal Versus Deepa Dass Chela Ram Chela Garib Dass*, decided on 27.02.2015 that the right of a tenant to continue in possession beyond the period of lease was required to be examined. I cannot take this judgment as in any way fettering this court's jurisdiction to consider whether the plaintiff has brought out anything substantial to contend that he was a statutory tenant and that he is entitled to be protected in his possession beyond the period of lease. As I have already observed, there is no attempt on the part of the revision petitioner to refer to any provision of law in this regard. Inevitably, the principle of Section 111 of the Transfer of Property Act will operate, there being no specific proof protection of his possession beyond the period of lease.

2. The revision petition is dismissed.

(K.KANNAN)
JUDGE

29.02.2016
sanjeev