

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

[1] Civil Writ Petition No.24937 of 2013.
Date of Decision: September 29, 2016
Haryana Wakf BoardPetitioner
versus
State of Haryana and othersRespondents

[2] Civil Writ Petition No.27685 of 2013.
Sikander Aaquil and othersPetitioners
versus
State of Haryana and othersRespondents

[3] Civil Writ Petition No.3174 of 2014.
Suhel F.Khan and othersPetitioners
versus
State of Haryana and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Atul Lakhanpal, Senior Advocate with
Mr.Ghulam Nabi Malik, Advocate,
for the petitioner (in CWP No.24937 of 2013).
Mr.Adarsh Jain, Advocate,
for the petitioners (in CWP No.27685 of 2013).
Mr.A.S.Grewal, Advocate,
for the petitioners (in CWP No.3174 of 2014).
Mr.Lokesh Sinhal, Additional Advocate General, Haryana.
Mr.Vishal Garg, Advocate, for HUDA.
Mr.Udit Garg, Advocate, for
Mr.Padam Kant Dwivedi, Advocate, for respondent No.4.
Mr.Vinod S.Bhardwaj, Advocate,
for respondent No.10 (in CWP No.3174 of 2014).

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

This order shall dispose of Civil Writ Petition Nos.24937 & 27685 of 2013 and 3174 of 2014 as one and the same acquisition is under challenge in all these cases.

Mr.Lokesh Sinhal, learned Additional Advocate General, Haryana, has placed on record the proceedings of the meeting held on 22.09.2016 under the Chairmanship of Additional Chief Secretary, Town & Country Planning Department, Haryana, which was attended by the Administrator of the Haryana Wakf Board also. In that meeting, following was resolved in respect of the claim in the writ petition filed by the Haryana Wakf Board independently, as well as the writ petitions filed by the persons interested in Wakf Property:-

“CWP Nos.24937 of 2013 titled as Haryana Wakf Board versus State of Haryana and others and connected writ petitions i.e., CWP No.27685 of 2013 titled as Sikander Aaqil and others vs. State of Haryana and others and CWP No.3174 of 2014 titled as Suhel F.Khan and others versus State of Haryana and others (UE, Gurgaon):-

The Administrator, Haryana Wakf Board stated that the land measuring 20 kanal 17 marla situated in village Chauma has been acquired by HUDA for Sector-2 and 3, Gurgaon. He stated that there was a mosque on this piece of land which has withered since then but the land is still being used as a prayer ground and the religious sentiments of the community are attached with this land. Therefore, the land in question may be released. He declined to accept an alternative site in place of the ibid land. The Administrator, Gurgaon stated that the sector roads have been planned over the land in question and keeping in view the complete lay out, it is not possible to release this land. To find out an amicable solution to this issue, the Administrator, Gurgaon, D.C., Gurgaon and representative

of the Wakf-Board are directed to inspect the site and make a preliminary report as to whether in place of that site an alternative site can be allotted without hurting the sentiments of the community. The piece of land measures around 2½ acres and ACSTCP wondered whether such a large area is required for the prayer; given the turnout on important religious days. It was also agreed that the committee so constituted would look into this aspect also. Administrator, Wakf Board agreed to these decisions.....”

Since the authorities are seized of the matter and have constituted a Committee for an effective resolution of the dispute, we have no reason to doubt that amicable solution, to the satisfaction of the petitioner(s), shall be found out and the respondent-authorities will identify alternative land for allotment to the Board in lieu of the acquired land. The needful shall be done within a period of two months from the date of receiving a certified copy of this order. However, still if there is any grievance, we grant liberty to the petitioners to approach the Court again.

Till such decision is taken, the interim orders passed in these cases shall continue to operate.

The writ petitions stand disposed of in the above-terms.

[SURYA KANT]
JUDGE

September 29, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No