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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2192/2016 & CM Appls. 9410-9411/2016

CHARANJEET SINGH Petitioner

Through: Mr. Rohit K. Nagpal, Adv. with
petitioner in person

versus

STATE , NCT OF DEHLI & ANR Respondents

Through: Ms. Prabhsahay Kaur, Adv. for R-1
Mr. Hashmat Nabi with Mr. Syed Mehdi Zaidi,
Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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15.03.2016

The present writ petition has been filed challenging the order dated 15th February, 2016 passed by respondent No.1-GNCTD in pursuance to the order dated 01st September, 2007 issued by respondent No.2-Delhi Wakf Board whereby the petitioner was directed to vacate shop No.3376, Masjid Barhwali, Ram Bazar, Mori Gate, Delhi, within fifteen days on the ground that the petitioner was in unauthorized occupation of the Wakf property.

Learned counsel for the petitioner states that the petitioner is in possession of the aforesaid shop since 2000. He further states that the order dated 01st September, 2007 was never served upon the petitioner. He also states that the order dated 01st September, 2007 is beyond the period of limitation and cannot be enforced now.

On the other hand, learned counsel for respondent No. 1, who appears on advance notice, has handed over a copy of the order dated 01st September, 2007 from which it seems that the petitioner was handed over a copy of the same on 07th September, 2007. The same is taken on record. She also points out that the petitioner had appeared before the Wakf Tribunal and accepted that he was an unauthorized occupant of the wakf property.

Learned counsel for the petitioner disputes the said facts.

The admitted position is that the action taken by the respondent needs to be challenged before the Wakf Tribunal, but the same is non-functional.

Learned counsel for the petitioner has also drawn this Court's attention to the order dated 05th November, 2015 passed by a coordinate Bench of this Court in W.P.(C) 10493/2015 wherein the Court granted protection to the occupier till consideration of his application by the Wakf Tribunal.

Keeping in view the aforesaid, present writ petition and applications are disposed of with a direction that, subject to the condition that the petitioner shall not alienate, encumber or part with possession of the property in his occupation and / or any part thereof and shall not induct any other person therein and not carry out any kind of work whatsoever except in normal course of business, the petitioner pursuant to the order dated 15th February, 2016 of the SDM, be not evicted from the premises aforesaid till the consideration of the application of the petitioner for interim relief by the Wakf Tribunal.

The Wakf Tribunal is requested to take up the application of the petitioner for consideration within one week of its powers being notified.

MANMOHAN, J

MARCH 15, 2016
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