

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CR No.8822 of 2016

Date of decision:31.7.2017

Surender and others

...Petitioners

Versus

Haryana Wakf Board, Ambala Cantt and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Dilbagh Singh, Advocate for the petitioners.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned judgment and decree dated 2.12.2016 passed by the Wakf Tribunal, whereby suit for possession and mesne profits filed by the Wakf Board-plaintiff was decreed, defendants have approached this Court by way of instant revision petition filed under Article 227 of the Constitution of India, for setting aside the impugned judgment and decree (Annexure P-2).

Heard learned counsel for the petitioners.

It is a matter of record and not in dispute that the predecessor-in-interest of the petitioners was Shri Darshan Lal and the lease deed in his favour expired in 2006-07. It has also come on record that lease deed was not extended. After the expiry of lease deed, possession of the petitioners became unauthorised. Ownership of the plaintiff-Wakf Board had never been in dispute. Defendants-petitioners were well aware about the lease period. However, neither before its expiry nor even after expiry of the lease period, they ever applied for either extension of the lease deed or renewal thereof.

They also did not seek execution of fresh lease deed in their favour. In this view of the matter, the defendants-petitioners were not interested for getting the lease deed either extended, renewed or executed afresh in their favour. They had also not paid the lease money because of which owner of the suit property became entitled for mesne profits, as the petitioners had been drawing income by using the suit property. Under these undisputed facts and circumstances of the case, it can be safely concluded that the learned Wakf Tribunal was well within its jurisdiction to pass the impugned judgment and decree and the same deserve to be upheld.

It is neither pleaded nor argued case on behalf of the petitioners-defendants that they were taken by surprise by filing the present suit for possession and for mesne profits. Once the lease period was well known to the petitioners, it was least expected from them that they would either seek extension in the lease period or for execution of the fresh lease deed in their favour. However, they did nothing in this regard and for no good reasons. After expiry of lease period, their possession became unauthorised and they kept on cultivating the suit land without any authority.

In spite of the above-said glaring facts against the defendants-petitioners, true owners-plaintiffs did not resort to any illegal means but sought the possession and mesne profits by way of filing the suit. Thus, the possession was also being sought after following the due process of law. Since all the relevant facts and circumstances of the case were rightly examined, considered and appreciated in correct perspective by the learned

Tribunal before passing the impugned judgment and decree, no fault can be found with the impugned judgment and decree and the same deserve to be upheld, for this reason as well.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned judgment and decree, which may warrant interference, at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned judgment and decree are supported by sound reasons and the same deserve to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant civil revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, the instant civil revision petition stands dismissed, however, with no order as to costs.

31.7.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No