

201/1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-968-2006

Date of decision : 17.05.2017

Mohammad Umar Farooq

... Petitioner(s)

Versus

Punjab Wakf Board and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: None.

AMIT RAWAL, J. (ORAL)

The petitioner has approached this Court seeking following relief:

"Civil Writ Petition under Articles 226/227 of the Constitution of India with a prayer of issuance of a writ in the nature of Certiorari for quashing of the lease created by the respondent No.1 in favour of respondent No.2 in respect of the grave yard vide allotment letter dated 16.11.1988 (Annexure P-4) , subsequent to which a no objection certificate (Annexure P-5) was issued by the respondent No.1 in favour of respondent No.3 for raising construction on the land in dispute, which is a grave yard;

AND

to issue a writ in the nature of Prohibition, directing the respondents No.1 to 3 and their agents from raising any construction in any manner or alienating the Muslim Religious property i.e. Takia/Makbara of Mullana Kamaludeen Shah Bakheri, Muliana Haibib-Ul-Shah and Lal Mohammad Shah, Muslim Masjid, Madarsa, known as Noorte-Ul-Islam and Muslim Kabristan in any manner;

AND

further a writ in the nature of Prohibition, directing respondents from interfering in any manner or converting the nature of Takia/Makbra, Muslim Masjid, Madarsa and Muslim Kabristan in land comprised of Khewat No.718, Khataoni No.854, Khasra No.325 measuring 1-10-8 as entered in Jambandi for the year 1983-84, situated in village Galewal, Tehsil and District Ludhiana;

or;

to issue any other order writ, order or direction which this Hon'ble Court may deem fit and property under the facts and circumstances of the present case."

The period of lease was for 11 months commencing from May 1988. In my view, once the period of the lease is over, the petitioner shall have separate cause of action to seek the lease on property in accordance with law.

In view of above, no cause of action survives in the present writ petition and the present writ petition has been rendered in fructuous.

Disposed of accordingly.

17.05.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**