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

+ **W.P.(C) 6943/2017 & CM 28863/2017**

ABDUL SATTAR

..... Petitioner

Through Mr M. Sufian siddiqui, Mr Rakesh
Bhugra, Mr M. Tabishzia, Advocates.

versus

THE STATE OF NCT OF DELHI & ANR

..... Respondents

Through Ms Nidhu Raman, Advocate for R1 with
Tehsildar, Defence Colony.
Mr Javed Ahmad, Advocate with
Mr Pardeep Kumar, Advocate for R2/Delhi Wakf
Board.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **11.08.2017**

1. The petitioner has filed the present petition, *inter alia*, impugning an eviction order dated 17.07.2017 passed by the SDM (respondent no.1) for evicting the petitioner herein.
2. The petitioner claims to be the Imam of Masjid Panjpeeran and claims that the property in question is his '*Hujra*'. The learned counsel for the petitioner further states that the petitioner had received the eviction order only a few days back and in terms of the said order, the petitioner has been granted a period of only ten days to hand over possession of the property in question. He further claims that since the petitioner has not been given adequate notice, he has been unable to approach the Waqf Appellate

Tribunal.

3. The learned counsel appearing for respondent no.1 submits that the eviction order has been passed in view of the directions issued by the Division Bench of this Court on 29.05.2017 in W.P. (C) 6275/2015 whereby the respondent no.1 was directed to execute the pending eviction orders passed by the Delhi Waqf Board. The learned counsel for the respondent no.2 states that the eviction order as regards to the said property was passed way back on 27.11.2007, under Section 54 of the Waqf Act, 1995. At the material time, the notices were issued to Mohd Akram who is the son of the petitioner as he was in unauthorized occupation of the property in question. Mohd. Akram had appeared before the Waqf Board as is apparent from the eviction order dated 27.11.2007 (a copy of which has been handed over by the learned counsel for the respondents). He was also afforded a hearing and since his occupation was found to be unauthorized, the eviction order was passed. The said eviction order has been pending execution since.

4. Learned counsel appearing for the petitioner states that the petitioner is the father of Mohd Akram and Mohd Akram had no interest and was not residing at the property in question.

5. This Court is not inclined to accept the aforesaid contention. There is no reference to the earlier eviction order in the petition. It is difficult to accept that the petitioner was not aware of the eviction proceedings against his son and it appears that the petitioner has wilfully concealed the fact of eviction proceedings against his son.

6. The Court is *prima facie* of the view that the petitioner cannot defeat the process of law and continue his occupation by disputing that his son was occupying the premises. It is not necessary that eviction proceedings be

commenced against each and every member of a family separately.

7. Thus, this Court is not inclined to grant any interim orders. The petition along with the pending application is dismissed with liberty to the petitioner to approach the Wakf Appellate Tribunal for redressal of his grievances.

VIBHU BAKHRU, J

AUGUST 11, 2017

pkv