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

+ W.P.(C) 9392/2017

RAEES AHMED

..... Petitioner

Through: None.

versus

SHEIKH IQBAL AHMED AND ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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29.11.2017

1. It has been noticed that certain typographical errors have crept in para 10 of the order dated 27.10.2017, which require to be rectified. Accordingly, para 10 of order dated 27.10.2017 is rectified to read as under:-

“10. It is apparent from the plain reading of Section 85 of the Waqf Act that jurisdiction of a Civil Court, Revenue Court or any other authority in respect of any dispute of question relating to Waqf property or any other matter which is required by or under the Waqf Act to be determined by a Tribunal is barred. Concededly, it is not the petitioner’s case that there is any provision under Waqf Act which requires the Tribunal to decide the question as to grant of clearance under Section 19(1)(a) of the Act. The first part of Section 85 cannot be read disjunctively with the latter part of Section 85. Thus, the restriction on the power of a Civil Court to entertain disputes must be limited to excluding only such disputes relating to a Waqf property that are to be determined by the Tribunal constituted under Section 83 of the Waqf Act. In the present case, the principal dispute is whether the permission or initiating proceedings should be

granted. DUSIB is specifically empowered to consider the same under the Slum Act and there is no provision in the Waqf Act, which even remotely suggests that the question whether such permission is required to be granted, can be considered by the Tribunal.”

2. The Registry is directed to upload a corrected copy of the order on the website.

VIBHU BAKHRU, J

NOVEMBER 29, 2017

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