

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 15802 of 2012 (O&M)

Date of decision: 13.9.2018

Gram Panchayat, Pandhori Nijjran

.. Petitioner

vs

State of Punjab and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Amit Rawal**

Present: Mr. Ashok Giri, Advocate, for the petitioner.
Mr. Pankaj Gupta, Additional Advocate General, Punjab.
Mr. G. N. Malik, Advocate, for respondent nos. 3 and 4.

Rajesh Bindal, J.

Present petition has been filed challenging notification dated 30.5.2008, whereby land measuring 4 kanals 12 marlas in khasra no. 86, has been declared as wakf property.

Learned counsel for respondent nos.3 and 4 raised a preliminary objection stating that the Wakf Tribunal has the jurisdiction to decide whether any property is wakf property or not. The petitioner should have availed its appropriate remedy instead of approaching this Court.

Keeping in view the aforesaid stand taken by learned counsel for respondent nos. 3 and 4, we relegate the petitioner to avail of its appropriate alternative remedy before the Wakf Tribunal.

Learned counsel for the petitioner submitted that the land in dispute was recorded in the name of Gram Panchayat and, in fact, a Government Senior Secondary School has been constructed thereon after

receiving grant from the State. During the pendency of the present petition in this Court, interim stay was granted. Hence, the petitioner may be granted interim direction till such time the matter is taken up by the Wakf Tribunal.

Keeping in view the aforesaid submissions made by learned counsel for the petitioner, we direct that interim stay granted by this Court shall continue upto 15.10.2018 to enable the petitioner to approach the Wakf Tribunal for claiming the relief prayed for. Thereafter, the parties shall abide by any interim order passed by the Wakf Tribunal.

The petition stands disposed of in the above terms.

(Rajesh Bindal)
Judge

13.9.2018
vs

(Amit Rawal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No