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

+ **W.P.(C) 5353/2018 & CM APP No.20703/2018**

FEROZE NASEEM Petitioner

Through: Mr. Shaad Anwar, Adv.

versus

DELHI WAKF BOARD AND ANR. Respondent

Through: Mr. Tariq Adeeb, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

17.05.2018

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1. This petition appears to have been filed on account of the fact that the Wakf Tribunal (Tribunal) is non-functional. The situation as it obtains appears to indicate that the Presiding Officer, according to the petitioner, is not well. According to the petitioner, the matter is fixed before the Tribunal on 22.5.2018. The petitioner seems to have assailed by way of a suit, eviction order dated 22.1.2007, passed by the Chief Executive Officer, Delhi Wakf Board in exercise of powers conferred under Section 54 of the Wakf Act, 1995.

2. Issue notice.

3. Mr. Tariq Adeeb accepts notice for respondent No.1/Delhi Wakf Board. Learned counsel says that he does not wish to file a counter affidavit in the matter. The said statement is taken on record.

4. For the moment, notice is not issued to respondent No.2/SDM. In effect, it is carrying out the directions contained in order dated 22.1.2007.

5. Given the peculiar facts and circumstances of the case, the writ petition is disposed of with a direction that no coercive measure will be taken against the petitioner till such time the Wakf Tribunal is functional, though it is made clear that as soon as the Tribunal is functional, the petitioner's suit will be taken up for hearing.

6. The Wakf Tribunal will have authority to decide as to whether the order passed today should be varied or vacated.

7. *Dasti.*

RAJIV SHAKDHER, J

MAY 17, 2018/pmc