

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CR No.1080 of 2009 (O&M)

Date of decision: 25.02.2019

Punjab Wakf Board etc.

..... Petitioners

Versus

Gram Panchayat Noorwala

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sandeep Punchhi, Advocate
for the petitioners.

Mr. Liaqat Ali, Advocate
for the applicant.

ANIL KSHETARPAL, J.(ORAL)

Defendants-petitioners are in the revision petition against the judgment passed by the learned Tribunal for permanent injunction restraining the defendants from interfering in the possession over the land of various residents of the village.

It is a strange suit filed by Gram Panchayat claiming that certain residents are lessees of the Punjab Wakf Board and their possession should not be interfered with. It has also been claimed that there is no Muslim in the village and the residents are cultivating the land on payment of rent to the Wakf Board. At the same time, it has been further pleaded that the property is Shamlat land, hence, vest with the Gram Panchayat. The defendants contested the suit and pleaded that Wakf Board is owner of the property.

As noticed above, learned Tribunal has passed a decree for

injunction. The question of title was not gone into. Learned counsel appearing for the Wakf Board has a limited grievance. He has submitted that in such circumstances, there could not be any decree permanently restraining the Wakf Board from taking possession even in accordance with law. He submitted that once there were various persons who are cultivating the land under the Wakf Board, then the Wakf Board has a right to proceed against the persons who are in possession. On the other hand, one application has been filed by Abdul Malik Tyagi claiming that the property is a public graveyard.

Keeping in view the prayer made by learned counsel for the petitioners, the decree passed by the Tribunal is modified and it shall be substituted with a decree for permanent injunction restraining the defendants-appellants from dispossessing the residents except in due course of law. As regards the applicant, he would also be entitled to object to the proceedings whenever any suit for possession is filed by the Wakf Board.

With these observations, the revision petition is disposed of.

The pending miscellaneous application, if any, shall stand disposed of accordingly.

25.02.2019

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No