

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

CM 16260 C of 2019 in/and
RSA 1705 of 1995 (O&M)
Date of decision: 18.12.2019

Sanatan Dharam Mahavir Dall and anotherAppellants

versus

Punjab Wakf Board and othersRespondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Chanakya Batta, Advocate for
Mr. G S Bhatia, Advocate
for applicant/respondent No. 1

Mr. G S Jaswal, Advocate
for the non-applicant/appellants

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Rekha Mittal, J. (Oral)

CM 16260 C of 2019

Notice of the application to counsel for the non-applicants/
appellants.

Heard.

Allowed as prayed for. Affidavit of Rashid Mohd., Estate
Officer, Punjab Wakf Board, Amritsar is taken on record.

Main case

Counsel for applicant/respondent No. 1 would state that the
Punjab Wakf Board, filed a suit for possession of property *i.e.* Mosque and
plot attached to Mosque with shops built on plot bearing Khasra Nos.
2255/1520, situated at Ghee Mandi, Amritsar and the same was dismissed
by the trial Court vide judgment and decree dated 25.09.1991 but appeal
preferred by the Punjab Wakf Board was allowed by the Additional District

Judge, Amritsar vide judgment and decree dated 20.12.1994. He would further state that in pursuance of order dated October 4, 2019 passed by this Court, Rashid Mohd., Estate Officer, Punjab Wakf Board, Amritsar has filed his affidavit dated 10.12.2019 to say on solemn affirmation that he had inspected the spot and found that there is no Sanatan Dharam Mandir at the spot. He would further submit that in view of affidavit filed by the Estate Officer, the appeal may be dismissed having rendered infructuous.

Counsel for the appellants has expressed his inability either to seek instructions or file counter to affidavit filed by Rashid Mohd, Estate Officer.

A relevant extract from para 8 of affidavit of Rashid Mohd. reads as follows:-

“8. That the Estate Officer, Shri Rashid Mohd., Estate Officer, Punjab Wakf Board, Amritsar has inspected the spot and has found that there is no Sanatan Dharam Mandir at the spot. It is further informed by the Estate Officer that even earlier he has been inspected the spot and has found that there exist no Sanatan Dharam Mandir at the spot and the letter dated 08.08.2019 has already been written to the Chief Executive Officer, Punjab Wakf Board, Chandigarh.”

Keeping in view the above, nothing survives for consideration of this Court, the appeal stands disposed of accordingly.

(Rekha Mittal)
Judge

18.12.2019
Mohan Bimbra