

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

1. CWP-6681-2020 (O&M)

Mohd. Arshad Petitioner

Versus

State of Haryana and others Respondents

2. CWP-6684-2020 (O&M)

Aftab Ahmed Petitioner

Versus

State of Haryana and others Respondents

3. CWP-13553-2021 (O&M)

Sameydeen Petitioner

Versus

State of Haryana and others Respondents

4. CWP-10448-2021 (O&M)

Alijan Petitioner

Versus

State of Haryana and another Respondents

Date of decision: 12.08.2021

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

PRESENT: Mr. GBS Dhillon, Advocate for the petitioner
(in CWP Nos. 6681-2020 and 13553-2021).

Mr. Vinod S. Bhardwaj, Senior Advocate with
Mr. Naveen S. Bhardwaj, Advocate for the petitioner
(in CWP-6684-2020).

Mr. Vikram Singh, Advocate for the petitioner
(in CWP-10448-2021).

Mr. B.R. Mahajan, Advocate General Haryana with
Mr. Aman Bahri, Addl. A.G., Haryana and
Ms. Nikita Goel, Advocate for respondent-State.

Mr. G.N. Malik, Advocate for respondent No. 2
(in CWP Nos. 6681-2020 & 10448-2021).

Mr. Athar Ahmed, Advocate for respondent No. 2
(in CWP-13533-2021).

Ms. Promila Nain, Advocate for respondent No. 4
(in CWP Nos. 6681 and 6684-2020).

Mr. Akshay Bhan, Senior Advocate with
Mr. Alok Mittal, Advocate for respondent No. 8
(in CWP Nos. 6681 and 6684-2020).

AUGUSTINE GEORGE MASI, J. (ORAL)

By this order we propose to dispose of CWP Nos. 6681 and 6684-2020 and CWP Nos. 13553 and 10448-2021, in which the primary challenge is to the Notification dated 06.03.2020 (Annexure P-3), whereby the Haryana Wakf Board, has been constituted by the Government of Haryana. One of the grounds for challenge of the said notification was that the procedure as prescribed under the Wakf Act, 1995 as amended in 2013 and also the Haryana Wakf Rules, 2012, have not been adhered to nor complied with.

Learned Advocate General, Haryana, very fairly concedes that the procedure as prescribed for the constitution of Board in the Statute and the Rules have not been strictly followed because of which the notification under challenge may not sustain. He further states that the Board would be re-constituted in accordance with the statutory provisions.

In the light of the statement made by the learned Advocate General, Haryana, we do not intend to go into the details and grounds taken with regard to the challenge to the Notification dated 06.03.2020 issued by the Government of Haryana, but quash the same, in the light of the statement of the learned Advocate General, Haryana.

We are sanguine that the State of Haryana would proceed to re-constitute the Board, in accordance with the provisions of the Statute. It goes without saying that we have not expressed any opinion on the merits of the case and, therefore, it should not be construed in any manner that the Court has opined one way or the other on the aspects of the merits, except for the legality of the notification, as referred to above.

The writ petitions are allowed. The notification dated 06.03.2020 issued by the Government of Haryana constituting the Haryana Waqf Board is quashed with the above observations.

Since, all the above four writ petitions have been allowed, miscellaneous application(s) pending, if any, stand disposed of.

(AUGUSTINE GEORGE MASIH)
JUDGE

August 12, 2021
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No