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

% Judgment delivered on: 06th July, 2021

+ W.P.(C) 6146/2021

SIKANDER SULEIMAN LOLADIA Petitioner

versus

THE CENTRAL WAQF COUNCIL AND ORS Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Neha Jain, Advocate

For the Respondents : Mr. Hashmat Nabi, Advocate

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

CM APPLN. 19453/2021 (Exemption)

Allowed, subject to all just exceptions.

W.P. (C) 6146/2021&CM APPLN. 19454/2021 (stay)

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to respondent no. 1 – Central Waqf Council to call for the records from respondent no. 2, i.e., Maharashtra State Board of Waqf with regard to the NOC dated 25.07.2011 and further to examine the genuineness of the said NOC issued by

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W.P. (C) 6146/2021

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SACHDEVA Page 1 of 3
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respondent no. 2 in favour of respondent no. 4.

3. Petitioner further seeks a direction to respondent no. 1 to act on the representation dated 22.02.2021 given by the petitioner to respondent no. 1.

4. Learned counsel for the petitioner relies on Section 9(4) of the Waqf Act, 1995 to contend that the Central Waqf Council has the power to examine the performance of the Waqf Board in the State and thereafter if any irregularity or violation of the Act is found to issue appropriate directions which have to be complied with by the concerned board.

5. Learned counsel appearing for respondent no. 1, on advance notice, objects to the maintainability of the present petition and submits that all the actions impugned by the petitioner pertain to the State of Maharashtra and respondent no. 2 to 5 as also the subject property are situated in the State of Maharashtra and as such this Court would not have the territorial jurisdiction to entertain the subject petition. He, however, without prejudice submits that since a representation has been received on 23.02.2021, the same would be considered and disposed of in accordance with law.

6. Without commenting or opining on the territorial jurisdiction and the maintainability of the petition, since respondent no. 1 – Central Waqf Council is based in Delhi and a representation has been

given to the respondent no. 1 by the petitioner, this petition is disposed of with a direction to respondent no. 1 to consider and dispose of the representation of the petitioner dated 22.02.2021 (Annexure P-11) preferably within a period of 8 weeks from today.

7. Petition is accordingly disposed of in the above terms. All rights and contentions of the parties are reserved.

8. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

JULY 6, 2021
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