

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.127

Civil Writ Petition No.8252 of 2022

Date of Decision : April 22, 2022

Tarlochan Singh Sethi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rakesh Gupta, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner alleges that the Civil Court has earlier decided in his favour and has held him to be the owner of the land in dispute. Thus, proceedings initiated under Section 52 of the Wakf Act, 1995 are not maintainable. Accordingly, impugned notice dated 09.12.2021 (Annexure P-9) deserves to be quashed.

The writ petition is disposed of with liberty to the petitioner to file his written statement claiming a preliminary issue of jurisdiction. In case, the same is done, the Estate Officer (Respondent No.4) shall decide the same as a preliminary issue provided no evidence is required to be led. In case, the issue is decided against the petitioner, he is at liberty to file a fresh petition.

April 22, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No