

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.1503 of 2018 (O&M)

Date of Order:20.11.2023

Vikash Kalia and another

.Petitioners

Versus

Punjab Wakf Board and another

..Respondents

C.R. No.1672 of 2018 (O&M)

Vikash Kalia and another

.Petitioners

Versus

Punjab Wakf Board and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parminder Singh Kanwar, Advocate
for the petitioners.

Mr. G.N.Malik, Advocate
for respondent no.1

ANIL KSHETARPAL, J

1. With the consent of the learned counsel representing the parties, these two connected revision petitions shall stand disposed of.

2. Through this revision petition, the petitioners assail the correctness of the order passed by the Wakf Tribunal, Amritsar (hereinafter referred to as 'the Tribunal'), on 05.09.2017.

3. In order to comprehend the issue involved in the present case, the relevant facts, in brief are required to be noticed.

4. The Punjab Wakf Board, the respondent, filed a suit for possession by way of ejectment in the Tribunal, that defendant no.1 took plot measuring 207 square yards on rent @ Rs.900/- per month with effect from 01.12.2007, however, has not paid the rent from the year 2008, has

also sub let the same to defendant no.2 and 3. Defendant no.2 and 3 filed the counter claim. They claimed to be in possession for the last 30 years therefore, they have become owners by way of adverse possession . It is also the case of the defendants that the property in dispute is owned by the Central Government. The Central Government filed the written statement admitting that it is the Punjab Wakf Board, that is the owner of the property. The Tribunal on appreciation of the evidence found that the defendants no.2 and 3 failed to prove that they have perfected their title by way of adverse possession.

5. The correctness of the aforesaid order has been challenged in this revision petition.

6. The learned counsel representing the petitioners contends that originally when the suit was filed, the Punjab Wakf Board has stated that there was an oral tenancy but in evidence, lease deed and lease agreement have been produced. He further submits that the Tribunal has no jurisdiction to try and decide the case.

7. In this case, the plaintiff-Punjab Wakf Board has produced the lease deed as well as lease agreement to prove that the property in dispute was leased in favour of defendant no.1 . This fact proves the case set up by the plaintiff. Once the lease deed and the lease agreement have been produced, the petitioners cannot claim that it is beyond the pleadings because from the very beginning it is the case of the Wakf Board that the property was leased out to defendant no.1.

8. The next submission of the learned counsel representing the petitioners has no substance because the Supreme Court in **Rashid Wali Beg vs. Farid Pindari and others, (2022) 4 SCC 414**, has examined the

provisions of Section 85 and 83 of the Wakf Act, 1995 and held that the jurisdiction of the Wakf Tribunal to determine any dispute includes the question or other matters relating to a Wakf or Wakf Property.

9. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

10. Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

November 20, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO