

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(253)

CR No. 1553 of 2022

Date of Decision : 12.05.2023

Jasvir @ Jasbir Singh

...Petitioner

Versus

Punjab Wakf Board and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajiv Kataria, Advocate for the petitioner.

Mr. Rakesh Kumar, Advocate for
Mr. G.N. Malik, Advocate for respondents No. 1 to 4.

Mr. Vijay Lath, Advocate and
Mr. Naveen Sharma (Moudgil), Advocate
for respondents No. 5 to 9.

Harsimran Singh Sethi J. (Oral)

1. In the present civil revision petition, the challenge is to the order dated 25.03.2022 by which, the Tribunal though has declined the benefit of interim injunction in favour of the respondents-plaintiffs but has made certain comments qua the grant of lease in favour of the petitioner.

2. Learned counsel for the petitioner submits that in an injunction application filed by the respondents-plaintiffs, only the grievance being raised by them should have been decided by the Tribunal and no comments qua the subsequent lease in favour of the petitioner should have been made, hence, the action which is being initiated to issue the fresh bid, which is only based upon the adverse comments made in the impugned order, is

liable to be set-aside.

3. Learned counsel appearing on behalf of the Wakf Board submits that in the present case, the lease, which was given in favour of the petitioner, was only for a specified period starting from 01.07.2021 to 28.06.2022, which period has already expired and as per Clause-I of the lease proposal, on expiry of the lead deed, the possession of the leased premises is to be surrendered hence, under any circumstances as of now, the Wakf Board is entitled to advertise the property afresh for giving the property in question on lease.

4. Learned counsel for the petitioner has not been able to rebut that the lease period for which the property was given, has already expired.

5. That being so Wakf Board is free to decide whether qua the property in question any advertisement needs to be issued for the grant of lease of the said property. It is, however, made clear that any observation made by the Tribunal in the impugned order with regard to the grant of lease in favour of the petitioner, which lease period has already been availed by the respondents-plaintiffs, no action needs to be taken against the petitioner, however, the Wakf Board can take appropriate decision as to whether or not they need to advertise the property again independent of any direction issued in the impugned order.

6. Present civil revision petition is disposed of in above terms.

May 12, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No