2023:PHHC:057779

IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

201 **CM-553-CWP-2017 IN/AND**
CWP-9807-2006 (O&M)
Date of Decision: 18.04.2023

DR. CHAND SINGH

... Petitioner

VERSUS

HARYANA WAKF BOARD AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

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Present: Mr. Surender Singh, Advocate
for the petitioner.

Mr. Ghulam Nabi Malik, Advocate
for the respondents.

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VINOD S. BHARDWAJ, J. (ORAL)

CM-553-CWP-2017

Today only the CM-553-CWP-2017 filed by respondent No.1 is listed. The respondent-Haryana Wakf Board had moved the said application for seeking issuance of direction to the petitioner to pay the mesne profit. It is averred that the petitioner is in arrears of lease money.

Learned counsel for the petitioner, on the other hand, contends that the present petition had been filed raising a challenge to the order of eviction dated 19.10.2005 and that the lease agreement has thereafter been executed between the petitioner and the Haryana Wakf Board. He further contends that he has not been in default of any arrears and, if at all, there are any arrears, he shall clear the same at the earliest.

It is noticed that the main writ petition is already on the Regular Board of this Court at Sr. No.597. Since the grievance of the petitioner stands redressed, the main petition is taken on the Board today itself. Since the main

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case is taken up for final hearing, there is no necessity of passing any separate order in the application. The same is accordingly disposed of as not pressed at this stage.

MAIN CASE

Counsel for the petitioner contends that a fresh lease agreement has already been executed between the petitioner and the Wakf Board and that the dispute stands redressed amicably between the parties. He further submits that even though there are no arrears, however, if there is some outstanding, the same shall also be cleared at the earliest. Moreover, as the rate of rent stands re-determined, there is no necessity for determination of mesne profit at this stage.

Counsel for the respondent-Wakf Board is satisfied with the above said statement and undertaking given by the counsel for the petitioner.

In view of the statement made by the counsel for the petitioner, the writ petition is disposed of as having been rendered infructuous.

The petitioner shall, however, remain bound to clear the arrears of rent/lease money, if any, which may be overdue. The respondent-Wakf Board shall also be at liberty to take recourse to the appropriate alternative proceedings against the lessee in the event of any default in making payment of rent/lease money or in the event of breach of any of the terms and conditions of the lease agreement.

Disposed of as having been rendered infructuous.

(VINOD S. BHARDWAJ)
JUDGE

18.04.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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