

CWP-14439-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

233 (I) CWP-14439-2020
Date of Decision : April 19, 2023

BALRAJ SINGH AND ANOTHER -Petitioners

V/S

STATE OF PUNJAB AND OTHERS -Respondents

(II) CWP-16814-2020

JASBIR SINGH AND ORS. -Petitioners

V/S

STATE OF PUNJAB AND OTHERS -Respondents

(III) CWP-16754-2020

JASBIR SINGH (SINCE DECEASED) THROUGH HIS LRS -Petitioner

V/S

STATE OF PUNJAB AND OTHERS -Respondents

(IV) CWP-16879-2020

BALRAJ SINGH -Petitioner

V/S

STATE OF PUNJAB AND OTHERS -Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vikram Singh, Advocate and
Mr. Atul Goyal, Advocate
for the petitioners (in all cases).

Mr. Maninder Singh, DAG, Punjab.

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SURESHWAR THAKUR, J.(ORAL)

1. The learned counsels appearing for the contesting litigants are ad idem, that the jurisdiction, as became exercised, upon the relevant lis, by the authorities, constituted under the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the ‘Act of 1961’), was not validly exercised, as the petition lands are declared as Wakf lands. Thereupon they argue, that the relevant motion, in respect of such lands, was to be cast before the Wakf Tribunal concerned, and, not before the authorities constituted under the Act of 1961. They also consensually submit that the said motion was to be cast by the Wakf Board concerned, and, not by the Gram Panchayat concerned.
2. Consequently, the decision(s), as made on the above category(ies) of lands, by the authorities constituted under the Act of 1961, rather is not validly made, as it is made despite no jurisdiction vesting in such authorities. Therefore, the instant writ petition is allowed, and, the impugned order(s) are quashed and set aside. The Punjab Wakf Board is directed to, in respect of the petition lands, cast a motion before the Wakf Tribunal concerned, and, on such a motion being cast, before the Wakh Tribunal concerned, the latter shall make a speaking decision thereon, but, after hearing all affected persons, and, positively within 4 months of its preferment.
3. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

April 19, 2023
devinder

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No