

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

CWP-16526-2023

Date of Decision: 02.08.2023

Dewsoft Educational Welfare Trust

..... Petitioner

Versus

Punjab Wakf Board

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Kanika Singh, Advocate for
Ms.Manju Goyal, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

Petitioner has approached this Court seeking issuance of direction to respondent to consider the proposal dated 04.11.2022 (Annexure P-13) for the renewal of the lease of the land measuring 34 bigha 2 biswa comprised in khasra No.1538(4B-6B), 1539(5B-0B), 1543(5B-13B), 1540(6B-3B), 1537(2B-16B), 1541(6B-15-B), 1542(6B-9B) situated at Chamaru, Tehsil Rajpura, District Patiala to a period of 30 years and further restrain the respondent from leasing the aforesaid land to any third person/party without considering the proposal dated 04.11.2022.

It has been submitted by learned counsel for the petitioner that the petitioner in the year 2009 approached the respondent-Wakf Board to take the land measuring 34 bigha 2 biswa comprised in khasra No.1538(4B-6B), 1539(5B-0B), 1541(6B-15-B), 1543(5B-13B), 1540(6B-3B), 1537(2B-16B), 1542(6B-9B) situated at Chamaru, Tehsil Rajpura, District Patiala on lease for agricultural activities. It is submitted that as per the provisions of Wakf Properties Lease Rules, the petitioner submitted its proposal showing its bonafide intention for taking the property on lease for agricultural purpose. She submits that after being satisfied by the proposal of the

petitioner, the respondent-Wakf Board in compliance of the Wakf Properties Lease Rules accepted the aforesaid proposal of the petitioner and leased the premises to the petitioner for agricultural purpose on 23.07.2010. She submits that thereafter, the lease was extended from time to time. It is submitted that the petitioner sent a proposal dated 04.11.2022 (Annexure P-13) for renewal of the lease for 30 years with intention to establish an agricultural research lab and training centre at the property in question, but the respondent-Wakf Board did not reply to the same. It is submitted that as per Rule 13 of the Wakf Properties Lease Rules, 2014, the respondent is to reply to the proposal of the petitioner within 30 days from the date of receipt of the proposal but there is no reply from the respondent-Wakf Board. She submits that thus, the respondent-Wakf Board be directed to consider the proposal dated 14.11.2022 of the petitioner for renewal and further the respondent-Wakf Board be directed to restrain from leasing the land to any third party without considering the proposal of the petitioner.

Heard.

After hearing learned counsel for the petitioner and perusing the record, it is apparent that the petitioner had taken the property of the respondent-Wakf Board on lease and since the year 2010, the petitioner is the lessee of the respondent. However, the terms and conditions of the lease are binding on the petitioner and the respondent as per their mutual agreement. Whether to renew the lease or not is prerogative of the respondent-Wakf Board and in such circumstances this Court does not find any merit in the submissions made by learned counsel for the petitioner for issuance of any direction for consideration of the proposal submitted by the petitioner and restraining them from leasing the property in question to any

third party without considering the proposal of the petitioner. Thus, the present petition is disposed of with liberty to the petitioner to avail any other alternative remedy as available under the law.

02.08.2023
sharmila

(RAJESH BHARDWAJ)
JUDGE
Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No