



CWP-13667-2024

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112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13667-2024 (O&M)

Date of Decision: 30.05.2024

Ram Kishan Jakhu

..... Petitioner

Versus

Inquiry Officer, Punjab Wakf Board and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raghav Chadha, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing the notice dated 22.10.2019 (Annexure P-4) and 21.05.2024 (Annexure P-5) under Section 54(3) of the Wakf Act, 1995 issued by the respondent to the petitioner directing petitioner to join enquiry under Section 54(3) of the Wakf Act, 1995 (for short, 'the Act'), failing which *ex parte* order shall be passed against petitioner and all the subsequent proceedings under Section 54 of the Act before the enquiry officer of the Wakf Board.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been issued the show cause notices dated 22.10.2019 and 21.05.2024 under Section 54(3) of the Act directing the petitioner to join the enquiry. He submits that the proceedings under Section 54 of the Wakf Act could not have been initiated as the lease of the petitioner is prior to this amendment.

3. Notice of motion.

4. On asking of the Court, Mr. Ghulam Nabi Malik, Advocate appears and accepts notice on behalf of the respondents. He has submitted that the show cause notices have been issued but the petitioner till date

neither has appeared before the authorities nor has filed any reply. He submits that if the petitioner files any such reply, the same would be taken into consideration for further necessary action.

5. Heard.
6. On hearing learned counsel for the parties and perusing the record, the present petition is disposed of with liberty to the petitioner to file his reply in response to the impugned notices issued within a period of 10 days from today. The Authority concerned would give personal hearing to the petitioner and take into consideration his reply and submissions. The necessary decision would be taken thereon expeditiously in accordance with law.
7. Till then, no coercive action shall be taken against the petitioner. However if the petitioner does not appear before the authority concerned and file the reply within the stipulated period, the interim stay would be of no avail. Pending application, if any, also stands disposed of.

30.05.2024

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Whether Speaking/Reasoned

Whether Reportable

(RAJESH BHARDWAJ)

JUDGE

: Yes/No

: Yes/No