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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9/2023 & CM APPL. 7067/2024**

ASHOK KUMAR MADIYAN

..... Petitioner

Through: Ms. Monica Sharma, Advocate with
Mr. Bharat Bhabota, Advocate.

versus

GOVERNMENT OF N.C.T OF DELHI

..... Respondent

Through: Mohd. Irsad, ASC for GNCTD with
Ms. Nasreen and Mr. Kunal Raj,
Advocates for R-1.
Mrs. Farhat Jahan Rehmani,
Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

06.02.2024

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1. The Waqf Board has filed a Status Report in the matter. Paragraph 2 and 3 of the said Status Report reads as under:-

“2) That involving similar controversy another Writ Petition being WPC no 10643 of 2022 [titled as Sanjay Malhotra vs GNCTD and Anr] is also pending before this Hon'ble Court In the said petition the question involved is as to whether property bearing nos XIV 1346-1357 and 3547-3553 (new), 1564-1581 (old) situated at Qutab Road, Pan Mandi, Sadar Bazar, Delhi 110006 is or is not a waqf property.

3) That in Writ Petition (c) No 10643 of 2022, the Section Officer of the Delhi Waqf Board, on the basis of the record available in the office of the Delhi Waqf



Board has already filed an affidavit dated 16.02.2023. In para. 15 of the said affidavit it is stated that:

"15) That as per the information and record available in the office of the Delhi Waqf Board it can be concluded that the property bearing no 1347, 1348 and 1357-C situated at Qutub Road, Pan Mandi, Sadar Bazar, Delhi- 110006 is not the same property which is enlisted as Waqf at page no 254, Serial no 7 in Delhi Administration's Official Gazette dated 16.04.1970 and there is no other entry in the record of the Delhi Waqf Board which could cover the property in question as Waqf. However, the deponent does not have authority to exercise the power vested in the Waqf Board to decide that whether or not the property in question is a Waqf or a property belonging to a Waqf."

A true copy of the affidavit dated 16.02.2023 filed by the Section Officer of Delhi Waqf Board in WPC No. 10643 of 2022 along with its all the accompaniments is annexed herewith as DWB/ 1.

The said WPC no. 10643 of 2022 is pending before a Coordinate Bench, was last heard on 11.05.2023 and is next listed on 18.08.2023.

A true copy of the order dated 11. 05.2023 passed in WPC no. 10643 of 2022 is annexed herewith as Annexure- DWB/2. "

2. When it was pointed out to the learned Counsel for the Petitioner that there is no categorical averment by the Wafq Board regarding the title of the property, learned Counsel for the Petitioner seeks permission to withdraw the instant writ petition with liberty to take such steps to get the title of the



property declared in his favour. It is also stated that the Petitioner is unable to approach the Tribunal because the Tribunal is not functional.

3. Permission and liberty, as prayed for, is granted.

4. The writ petition is disposed of as withdrawn along with pending application(s), if any.

5. It is made clear that this Court has not made any observation on the merits of the case.

6. The next date already fixed in the matter, i.e., 01.04.2024, stands cancelled.

SUBRAMONIUM PRASAD, J

FEBRUARY 6, 2024

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