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

+ W.P.(C) 5070/2020, CM APPL. 18293/2020, CM APPL. 23459/2020,
CM APPL. 33873/2020, CM APPL. 34141/2020, CM APPL.
847/2021, CM APPL. 13036/2024, CM APPL. 45413/2024
DELHI WAQF BOARDPetitioner

Through: Mr. Firoz Iqbal Khan, ASC for DWB.
versus

SDM ALIPUR & ORS.Respondents

Through: Ms. Monika Arora, CGSC with Mr.
Subrodeep Saha, Advs. for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **23.09.2024**

1. The grievance raised in the instant writ petition essentially relates to the demolition of illegal construction allegedly carried on Khasra 6/27, Samaypur, New Delhi and at serial No.177 of Delhi Gazette Notification dated 16.04.1970 by respondent No.4.
2. The prayer rested on the plea of the petitioner that the property in question is a Waqf property. If that is so, Section 54 of the Waqf Act, 1995 ["Act"] requires the Chief Executive Officer to cause a notice to be served upon the encroacher specifying the particulars of the encroachment and calling upon him to show cause before a date to be specified in such notice, as to why an order requiring him to remove the encroachment before the date so specified should not be made and shall also send a copy of such notice to the concerned mutawalli. Section 54 of the Act further requires certain steps to be taken as stipulated, therein.



3. In the instant case, there is nothing on record to indicate as to whether the Chief Executive Officer of the petitioner has taken any recourse to the mechanism provided under the Act.
4. Since, the steps as required under Section 54 of the Act has not been taken; therefore, the Court is unable to accede to the prayer made in the instant petition and instead grants liberty to the petitioner to take appropriate recourse in accordance with law.
5. Rights and contentions raised by the petitioner including the respondents and the impleadment applicant stand reserved.
6. The petition stands disposed of along with the pending applications.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 23, 2024/P