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

+ **W.P.(C) 7642/2024 & CM APPL. 31800/2024-INT. RELIEF**

MOHD SAJID RASHIDI

..... Petitioner

Through: Mr. S. I. Israily, Mr. M. M. Israily
and Mr. Gaurav Raj Sharma, Advs.

versus

DELHI WAQF BOARD & ANR.

..... Respondents

Through: Mr. S. S. Dalal, Adv. for R-1.
Mr. Tushar Sannu and Mr. Sahaj
Karan Singh, Advs. for R-2 along
with Mr. GurishBaalyan, SI, PS
Paharganj.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

27.05.2024

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CM APPL. 31801/2024 (Exemption from filing legible annexures)

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 7642/2024

1. The present petition has been filed by the petitioner who is an Imam at Mosque Qazi Wali, Paharganj, Delhi-110055, a notified Waqf property. It is submitted that the said mosque was declared as Waqf property vide Delhi Gazette Publication dated 16.04.1970 issued under Section 5(3) of the Waqf Act, 1995. However, neither any 'mutawalli' nor any management committee is stated to have been appointed/constituted by the Delhi Waqf Board in respect of the property in question.

2. It is submitted that various unscrupulous elements from the vicinity



along with their accomplices have consequently begun collecting and usurping the donations given to the mosque by the general public/worshippers. The said unscrupulous elements are also stated to be preventing the petitioner from discharging his duties as Imam.

3. It is submitted that the respondent no.1/Delhi Waqf Board is under an obligation to ensure that the performance of the duties of the petitioner is not interfered with by any unauthorized individual. Further, the respondent no.1 is also statutorily bound to ensure that there is no unauthorized use or any interference by the unscrupulous individuals and/or misappropriation of donation/s given by the general public/worshippers to the mosque in question.

4. The present petition accordingly seeks that the respondent no.1 (Delhi Waqf Board) be directed to take requisite action/steps to prevent the interference with the performance of the petitioner's duties as an Imam of the aforesaid mosque.

5. Learned counsel for the respondent no.1, who appears on advance notice, submits that considering the gravity of the allegations made in the present petition, the respondent no.1 shall treat the present petition as a representation and shall pass a speaking order within a period of three weeks from today, taking into account the contentions raised by the petitioner and also affording an opportunity of hearing to the petitioner.

6. It is submitted that if required, necessary steps/action shall be taken to ensure that there is no interference by the unscrupulous elements with the performance of the petitioner's duties as an Imam of the mosque in question.

7. The aforesaid statement made on behalf of the respondent no.1 is taken on record.



8. Let the respondent no.2/SHO, PS Paharganj, also render all requisite assistance to the respondent no.1/Delhi Waqf Board for the aforesaid purpose.

9. The present petition, along with pending application/s, is disposed of in terms of the above directions.

10. In case the petitioner has any outstanding grievance upon culmination of the aforesaid exercise, he shall be at liberty to avail appropriate remedies, in accordance with law.

SACHIN DATTA, J

MAY 27, 2024/r