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

+ W.P.(C) 8626/2024 & CM APPL. 35324/2024 (Interim ex-
parte)

FAIZYAB MASJID AND MADARSA Petitioner

Through: Mr. Kamlesh Kumar Mishra and
Ms. Renu, Advocates with
petitioner in person

versus

RELIGIOUS COMMITTEE AND ORS. Respondents

Through: Ms. Shobhana Takiar, Standing
Counsel with Mr. Kuljeet Singh,
Advocate for DDA
Mr. Arun Panwar, Advocate for
Respondent No.1, 3, 6 & 7
(through VC)

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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12.06.2024

1. The present petition under Article 226 of the Constitution of India
seeks a following prayers:-

“(i) Writ Petition under Article 226 of the Constitution of India
for a writ in the nature of declaration and or any other writ, order
or direction declaring the action of the officials of the Delhi
Police and DDA of threatening demolition on the 13th of June,
2024 of the masjid situated at situated at Khasra No.17,
Bhehlolpur Khadar, Sarai Kale Khan, Hazrat Nizamuddin, New
Delhi-13. to be illegal, arbitrary and unconstitutional.

(ii) Issue a writ Of Certiorari Against The Circular Dated
18.02.1991, 04.03.1991 & 05.05.2014 Passed By The Deputy
Secretary, Delhi Administration Delhi Having Circular No.
F.11/50/91-HP-II And For Declaring The Constitution And
Formation Of Religious Committee As Unconstitutional,
Arbitrary And Illegal and for other directions.



(iii) For a writ of mandamus directing the respondent authorities to supply the petitioner with the copies of the orders, minutes of - 50 meeting, file notings, if any, whereby the decision to demolish the masjid and madrasa has been arrived at by the authorities and grant appropriate time to the petitioners to take appropriate legal remedies against the same and till such time no coercive action be taken against the masjid and madrasa.

(iv) Pass an order to maintain status quo at Faizyab Masjid & Madarsa situated at Khasra No. 17, Bhelolpur Khadar, Hazrat Nizamuddin, New Delhi

(v) Pass such other order may deem fit in the facts and circumstances of the case.”

2. Learned counsel appearing on behalf of the petitioners, without going into the merits of the present petition, seeks indulgence of this Court to grant time in order to vacate subject premises within a period of one month from today.

3. He further submits that the other writ petition filed by the present petitioner bearing no. W.P.(C) 5136/2024 shall accordingly be withdrawn.

4. Mr. Deen Mohammad, who is caretaker and authorized representative of the present petitioner, is present in Court and identified by the Learned counsel, submits that premises shall be vacated within a period of one month from today and the petitioner or any other person claiming through it shall not make any further endeavor to stall the drive undertaken by respondent Nos. 1 and 2. It is further stated that there is no other occupant with regard to the Mosque and *Madarsa* situated at the subject property and any other occupant, if any, at the aforesaid property, claiming through the petitioner shall be removed within one month from today.

5. In view of the undertaking given by the caretaker of the petitioner before this Court, respondent Nos. 1 and 2 are directed to grant a period of one month to the petitioner or any other person claiming through it to vacate the



subject premises i.e Mosque and *Madarsa* situated at Khasra No. 17, Bhehlolpur Khadar, Sarai Kale Khan, Harzat Nizamuddin, New Delhi.

6. It is made clear that no further extension of time shall be granted to the petitioner or any other person claiming on behalf of the petitioner with respect to the aforesaid property as the subject property is required for public purposes.

7. In view of the above, learned counsel appearing on behalf of the petitioner seeks leave to withdraw the present petition.

8. Leave granted.

9. The present petition is dismissed as withdrawn and disposed of accordingly.

10. Pending application(s), if any, also stands disposed of accordingly.

11. The petitioner shall abide by the undertaking given by their caretaker and authorized representative in the aforesaid terms in accordance with law.

12. The order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J
(VACATION JUDGE)

JUNE 12, 2024/pu