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

+ **W.P.(C) 9359/2024**

FAIZYAB MASJID THROUGH ITS KHADIM INSAD ALI

.....Petitioner

Through: Mr.Sanjoy Ghose, Sr. Advocate
with Mr.Changhez Khan,
Mr.Baasir Aziz and Mr.Azam-
ud-din Khan and Ms.Shabeena
Khan, Advocates.

versus

RELIGIOUS COMMITTEE AND ORSRespondent

Through: Mr.Karn Bhardwaj, ASC with
Mr.Shubham Singh, Mr.Rajat
Gaba and Mr.Saurabh Dahiya,
Advocates for GNCTD.
Mrs.Farhat Jahan Rahmani,
ASC with Mr.Monis Faridi and
Ms.Bahist-e-Jahan, Advocates
for Delhi Wakf Board.
Ms.Shobhana Takiar, SC with
Mr.Manish Chawla, Mr.Dhiraj
Chawla, Mr.Tarun Chawla,
Mr.Mukesh Chawla and
Mr.Pankajram Raghunandan
Sharma, Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

11.07.2024

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CM APPL. 38483/2024

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 9359/2024, CM APPL. 38482/2024



3. The petitioner is invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India by seeking issuance of appropriate writ, order or direction to refrain the respondents from proceeding with the proposed action of demolition of the Masjid located at Khasra No. 17, Behlolpur Khadar, Sarai Kale Khan, Hazrat Nizamuddin, New Delhi.

4. Learned counsel for respondent No.1,4,5 and 6 (GNCTD) is present on advance notice along with learned counsel for DDA.

5. Learned counsel appearing for GNCTD submits that the relief which is sought by the petitioner cannot be granted and he has invited the attention of this Court to the Minutes of the Meeting of the Religious Committee held on 02.04.2024 whereby the proposal for the removal of the existing structure was considered and it has been decided as under :

“3. The representative of DDA informed that unauthorised religious structure i.e. Masjid Madarsa exist on DDA land bearing Khasra NO.17(4-3) of village Behlolpur Khadar situated near ISBT Sarai Kale Khan. This land was acquired vide award No.44/82-83 of LA Act and physical possession of the said khasra No.i.e. 17(4-3) was handed over to DDA by LAC/L&B on 17.09.1996. He further informed that, this land is urgently required for re-development of ISBT, Sarai Kale Khan. Hence, DDA has submitted the proposal for the removal of unauthorised religious structures for the consideration of Religious Committee.

4. The representative of Delhi Police stated that no documentary proof is available with respect to since when the structures in question existed and no court case is pending against the said land. They further stated that requisite police force will be provided as and when required.

5. The representative of Delhi Waqf Board has stated that the structure in question is not notified as Waqf property.

6. The committee took note of the order of Hon'ble Supreme Court dated 29.09.2009 in Special Leave to Appeal No.8519/2006. DDA has clearly stated that the structures are unauthorisedly constructed on the DDA land. After going through all the documents and photographs of the unauthorised religious structures placed before the committee by DDA and after taking into consideration the observation of DWB, local area police and Special Branch, the



Religious Committee recommends the removal of unauthorised religious structure/Masjid Madarsa from the DDA land immediately. This clearance by Religious Committee is also in consonance with order of Hon'ble Supreme Court in Special Leave to Appeal No.8519/2006, Union of India Vs. State of Gujarat & Ors. and also in SLP(C) No.3109/2011, Jagpal Singh Vs. State of Punjab & Ors.

6. However, after considering the submissions made by learned counsel for the parties, the present petition is disposed of with the direction that the present writ petition may be treated as another representation on behalf of the affected parties and appropriate decision may be taken by the respondent authorities in accordance with law.

7. Copy of the order be given *dasti* under the signature of the Court Master.

DHARMESH SHARMA, J.

JULY 11, 2024
VLD