



\$~ 11 to 92

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

+ W.P.(C) 10352/2016, CM Nos.40701/2016, 38577, 49577/2019

M/S SANT RAM NIKKA MAL & ORS Petitioners
versus
UNION OF INDIA AND ORS. Respondents

+ W.P.(C) 9348/2019

PARMOD GUPTA AND ANR. Petitioners
versus
UNION OF INDIA AND ORS. Respondents

+ W.P.(C) 9349/2019, CM No.2431/2022

ANSHUMAN CHAWLA Petitioner
versus
UNION OF INDIA AND ORS. Respondents

+ W.P.(C) 9351/2019

RAJENDER SINGH AND ANR. Petitioners
versus
UNION OF INDIA AND ORS. Respondents

+ W.P.(C) 9352/2019

INDERPAL SINGH Petitioner
versus
UNION OF INDIA AND ORS. Respondents

+ W.P.(C) 9354/2019

DINESH KUMAR CHAWLA Petitioner
versus
UNION OF INDIA AND ORS. Respondents



This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 30/12/2024 at 12:10:42



	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 11845/2019	
	SATYA BHUSHAN AND ORS.	 Petitioners
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 11847/2019	
	NARESH KUMAR	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 11848/2019	
	RAKESH BHAGAT	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12047/2019	
	GAGANDEEP SINGH	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12048/2019	
	SH. KETAN SHAH PROPRIETOR OF V. H. SHAH AND BROS.	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12049/2019	
	HITESH KHANNA AND ANR.	 Petitioners
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12050/2019	
	APURV GARG AND ANR.	 Petitioners



	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12093/2019	
	PRAMOD KUMAR JAIN AND ORS.	 Petitioners
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12094/2019	
	SAUDAGAR MAL JAGGI AND SONS	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12095/2019	
	RAJESH JAIN	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12211/2019	
	PUNEET KUMAR LAMBA & ANR.	 Petitioners
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 12212/2019	
	MUKESH KUMAR JAIN	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 12213/2019	
	DEO RAJ SARAWGI	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12214/2019	
	SANJAY KUMAR & ANR.	 Petitioners
	versus	
	UNION OF INDIA & PRS.	 Respondents
+	W.P.(C) 12215/2019	



	KISHAN NARANG	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 12239/2019	
	ANKUR AGGARWAL	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12240/2019	
	ARUN KUMAR BHATIA	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12241/2019	
	SURENDER KUMAR	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12242/2019	
	MR. ABDUL KARIM	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12446/2019	
	VIPIN GULATI AND ANR.	 Petitioners
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12447/2019	
	HARISH CHAND GULATI AND ANR.	 Petitioners
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12448/2019	
	ANIL KUMAR JAIN	 Petitioner
	versus	



+	UNION OF INDIA AND ORS. W.P.(C) 12449/2019	 Respondents
	MURARI LAL GARG & ANR versus UNION OF INDIA & ORS	 Petitioners
+	W.P.(C) 12450/2019	 Respondents
	SANJAY AND ANR. versus UNION OF INDIA AND ORS.	 Petitioners
+	W.P.(C) 12451/2019	 Respondents
	MRS. DARSHANA KAPOOR versus UNION OF INDIA AND ORS.	 Petitioner
+	W.P.(C) 12477/2019	 Respondents
	VINOD KUMAR GUPTA versus UNION OF INDIA AND ORS.	 Petitioner
+	W.P.(C) 12940/2019	 Respondents
	MADAN LAL BHATIA versus UNION OF INDIA & ORS	 Petitioner
+	W.P.(C) 12941/2019	 Respondents
	AMBRISH CHANDER GULATI versus UNION OF INDIA AND ORS.	 Petitioner
+	W.P.(C) 12985/2019	 Respondents
	RAM NIWAS AND ANR. versus UNION OF INDIA AND ORS.	 Petitioners
+	W.P.(C) 12986/2019	 Respondents



	DALJEET SINGH	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12987/2019	
	HARJEET SINGH	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 12988/2019	
	RAJA RAM GUPTA AND ORS.	 Petitioners
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 13771/2019	
	RAJINDER PRASAD	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 13772/2019	
	DEEPAK JAIN	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 13773/2019	
	RAVINDER KUMAR AGGARWAL	 Petitioner
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 13780/2019	
	VIDYAWATI AND ORS.	 Petitioners
	versus	
	UNION OF INDIA AND ORS.	 Respondents
+	W.P.(C) 13810/2019	
	SHYAM SUNDER & ORS	 Petitioners



	versus	
	UNION OF INDIA & ORS	 Respondents
+	W.P.(C) 14617/2021	
	SATYA NARAIN & ANR.	 Petitioners
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 14620/2021	
	SHAHID UR REHMAN & ANR.	 Petitioners
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 14621/2021	
	DR. AJAY AGGARAWAL	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 14659/2021	
	BHARAT BHUSHAN KOCHAR	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 14660/2021	
	KULDIP SINGH	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 14671/2021	
	SATISH CHANDER SIKKA	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 14672/2021	
	MAYA RAM JAIN AND SONS	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 14677/2021	



	RAJPOOT AND CO	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 14678/2021	
	SANJEEV LAL	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 14681/2021	
	SHYAM LAL	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 14685/2021	
	KRISHAN LAL	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 14686/2021	
	AJAY BHATIA & ANR.	 Petitioners
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 223/2022	
	RAJIV SETIA & ANR.	 Petitioners
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 535/2022	
	SARDAR JAGTAR SINGH	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 537/2022	
	GURJEET SINGH	 Petitioner
	versus	



+	UNION OF INDIA & ORS. W.P.(C) 581/2022	 Respondents
	PRAVEEN SETHI	 Petitioner
	versus	
+	UNION OF INDIA & ORS. W.P.(C) 623/2022	 Respondents
	KULWANT SINGH AND ORS.	 Petitioners
	versus	
+	UNION OF INDIA & ORS. W.P.(C) 626/2022	 Respondents
	RAJEEV BEDI	 Petitioner
	versus	
+	UNION OF INDIA & ORS. W.P.(C) 600/2022	 Respondents
	SAURABH BHATIA	 Petitioner
	versus	
+	UNION OF INDIA & ORS. W.P.(C) 812/2022	 Respondents
	BHUPINDER CHAWLA	 Petitioner
	versus	
+	UNION OF INDIA & ORS. W.P.(C) 850/2022	 Respondents
	OVAIS SAQIB	 Petitioner
	versus	
+	UNION OF INDIA & ORS. W.P.(C) 878/2022	 Respondents
	SARDAR MANJIT SINGH	 Petitioner
	versus	
+	UNION OF INDIA & ORS. W.P.(C) 906/2022	 Respondents



	SATPAL	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 1120/2022	
	RAJAT BATRA	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 1254/2022	
	PAWAN KUMAR	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 1867/2022, CM No.44583/2022	
	KISHAN KUMAR GOEL AND ANR	 Petitioners
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 3856/2022, CM APPL. 11467/2022, CM APPL. 14875/2022, CM APPL. 14876/2022, CM APPL. 24587/2022, CM APPL. 35355/2022, CM APPL. 35356/2022, CM APPL. 35357/2022, CM APPL. 35355/2022.	
	SURENDER MOHAN SONI	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 8207/2022	
	MANISH ARORA	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 8208/2022	
	GAGAN KHANEJA	 Petitioner
	versus	
	UNION OF INDIA & ORS.	 Respondents
+	W.P.(C) 8648/2022	



RAJIV BOBAL Petitioner
versus
UNION OF INDIA & ORS. Respondents
+ W.P.(C) 10433/2022 & CM APPL.30165/2022

SUNITA RANI Petitioner
versus
UNION OF INDIA & ORS. Respondents

Memo of Appearances:

Counsel for the petitioners:

Mr.Ajay Kohli & Ms.Dipika Prasad, Advs.
Mr.Mohit D Ram & Mr.Anubhav Sharma, Advs.
Mr.Pranay Dwivedi, Adv.
Mr.Rajesh Gupta, Adv. in W.P.(C) 9352/2019

Counsel for the respondents:

Mr.Sanjoy Ghose, Sr. Adv. with Mrs.Farhat Jahan Rahmani & Mr.Monis Faridi, Advs. for Delhi Waqf Board.

Mr.Toshif Ahmed & Mr.Hashmat Nabi, Advs. for Central Waqf Board

Ms.Nidhi Raman, CGSC with Mr.Zubin Singh & Mr.Akash Mishra, Advs. for UoI.

Dr.Vijendra Singh Mahndiyan, CGSC with Mr.Puneet Chahar & Mr.Kumar Abhinandan, Advs. for UoI.

Ms.Monika Arora, CGSC with Mr.Subhrodeep Saha & Ms.Radhika Kurudukar, Advs. for UoI

Mr.Vikram Jetly, CGSC with Ms.Shreya Jetly, Adv. for UoI

Mr.Bhagvan Swarup Shukla, CGSC with Mr.Mukesh Kumar Pandey & Mr.Saravan Kumar, Advs. for UoI

Mr..Farman Ali & Ms.Usha Jamnal, Advs. for UoI.

Ms.Avshreya Pratap Singh Rudy and Ms.Harshita Chaturvedi, Advs. for UoI

Mr.Rakesh Kumar, CGSC with Mr.Sunil, Adv. for UoI

Ms.Astha Gupta, Adv. for GNCTD



Mr.Rishikesh Kumar, ASC, GNCTD with Mr.Vikas Saini, Ms.Sheenu Priya & Mr.Atik Gill, Advs. for GNCTD.

Mr.Avishkar Singhvi, Mr.Naved Ahmad, Mr.Vivek Kumar Singh, Ms.Divya Prabha Singh & Ms.Sakshi Raman, Advs. for GNCTD

Ms.Rachita Garg & Ms.Preeti, Advs. for GNCTD

Mr.Lalltaksh Joshi & Ms.Ananya Saraogi, Advs. for GNCTD

Ms.Mehak Nakra, ASC (Civil) GNCTD with Ms.Bhavya Nakra, Mr.Aditya Goyal & Ms.Gunjan Suyal, Advs. for GNCTD.

Ms.Puhumi Aditya, Adv. for Mr Jawahar Raja, ASC (Civil), GNCTD

Mr.S.U.Abbas & Mr.Abhishek Yadav, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

23.12.2024

%

1. The present batch of writ petitions seeks to assail the provisions of the Waqf (Amendment) Act, 2013. The grievance of the petitioners, as articulated by learned counsel for the petitioners is that the properties which they are occupying for the last many years as tenants are being auctioned by the Delhi Waqf Board (hereinafter “the DWB”) and the petitioners have been directed to retrospectively pay market rent for the last five years, by computing the annual rent @ 5% of the market value of the properties which in turn is required to be determined as per the applicable circle rate of the area.

2. It is the common case of the parties that during the pendency of the present petitions, certain provisions of the Waqf (Amendment) Act, 2013 have undergone a further change due to the introduction of Waqf Properties Lease (Amendment) Rules, 2020. However, since the said amendments did not redress the grievances of the petitioners, representations were made by



them to the Government pursuant whereto, a fresh amendment Bill has been introduced in the Parliament. This Bill is stated to be presently under consideration of the Joint Parliamentary Committee and, a final decision qua these amendments is likely to be taken shortly.

3. Consequently, even though the parties, as on date, continue to be governed by the Waqf (Amendment) Act, 2013 as also the Rules framed thereunder, since the impugned provisions are already being amended, no useful purpose will be served by examining the validity thereof at this stage. Learned counsel for the parties, however, submit that on date, there is no certainty as to whether the grievances of the petitioners, which are under consideration before the Joint Parliamentary Committee, will be accepted or not and whether a fresh Waqf Amendment Bill, as already introduced in the Parliament, will be finally passed or not.

4. On 05.12.2024, when the present petitions were taken up for consideration, we had put to learned counsel for the petitioner as to why, in the light of the impending proposed amendments, the present petitions should be kept pending any further and not disposed of by granting liberty to the petitioners to assail the amended provisions once finalised.

5. Today, learned counsel for the petitioners submits that taking into account the aforesaid factual position, it would be appropriate if the petitioners are granted liberty to make a wholesome challenge to the provisions of the Waqf Act, 1995, as and when the impending amendments thereto are finalised. They, however, pray that while the writ petitions be disposed of by granting liberty to them to assail the amended provisions if the need so arises, the interim orders passed on 18.11.2019 as confirmed on 16.01.2024 be extended till the amendments are finalised and the petitioners



are in a position to assail the same.

6. Learned senior counsel appearing for the DWB, however, submits that while he has no objection in principle to disposal of the petitions with liberty to the petitioners to assail the amended provisions once finalised, the amount towards monthly rent directed to be paid under interim orders of this Court passed in 2016 be suitably revised. Further, the petitioners ought not to be permitted to take benefit of this interim arrangement in perpetuity. He, therefore, prays that in case, this Court were inclined to dispose of the petitions by granting liberty to the petitioners to assail the fresh amendments as and when finalised, this Court may provide a timeline during which this interim arrangement may continue.

7. Having considered the submissions of learned counsel for the parties, we are inclined to agree with the learned senior counsel for the DWB that the interim directions to pay monthly rent of Rs.5,000/- or double the amount of existing rent passed by this Court needs to be now revised suitably and directions issued that this interim arrangement will continue only for a specified period.

8. We, accordingly, dispose of the petitions by granting liberty to the petitioners to assail the provisions of the Waqf Act once the amendments presently under consideration of the Joint Parliamentary Committee are finalised. Further, taking into account that the monthly rent of Rs.5,000/- per month was fixed by this Court in 2019 since when the market rate of rent has considerably increased, we direct that the petitioners, without prejudice to their rights and contentions which is to be determined in an appropriate petition if the need so arises, will w.e.f 01.01.2025 pay to the Delhi Waqf Board, a monthly rent of Rs.7,500/- or



double the last paid rent as on 18.11.2019 whichever is higher. Subject to the petitioners continuing to pay monthly rent @ Rs.7,500/- or double the last paid rent as on the date of issuance of the demand notices by the DWB under the impugned provisions of the Waqf (Amendment) Act, 2013, the petitioners will be permitted to continue to occupy the premises presently in their occupation. Taking into account that it is the common case of the parties that the proposed amendment Bill which is pending consideration with the Joint Parliamentary Committee is likely to be placed before the Parliament in March/April, we direct that this arrangement will continue till 31.08.2025. We further direct that in case the proposed amendments to the Waqf Act are notified during this period till 31.08.2025, the petitioners will, subject to any challenge thereto, be governed by the same. However, in case, the proposed amendments are not notified by 31.08.2025, the petitioners will be at liberty to seek revival of the present petitions.

9. Further, taking into account the plea of the respondents that some of the petitioners are not paying rent as directed by the interim orders passed by this Court, we direct that this interim arrangement will continue till 31.08.2025 or till the date of the notification of the proposed amendments to the Waqf Act, only subject to the petitioners filing an affidavit with the DWB within a period of four weeks clearly setting out details of the rental which they have been paying as also the revised rental which they are required to pay in terms of this order. In case, any petitioner has any grievance regarding interim arrangement, it will be open for them to approach the DWB by moving an appropriate application which will be considered by the DWB on its own merits while taking into account the directions issued by way of the present order.



10. Accordingly, while disposing of the present petitions, we make it clear that this Court has not expressed any opinion on the merits of the grounds raised by the petitioners and, therefore, in case the petitioners file any fresh petition(s) to challenge the amended provisions of the Waqf Act once finalised, it will be open for them to raise all permissible grounds including grounds raised in the present petitions. We further make it clear that this order is being passed in the peculiar facts of the present case when both parties are *ad idem* that the challenge to the provisions impugned in the present petitions is likely to be rendered infructuous once the amendments which are under consideration of the Joint Parliamentary Committee are notified.

11. The writ petitions, alongwith pending applications are, accordingly, disposed of in the aforesaid terms.

REKHA PALLI, J.

SAURABH BANERJEE, J.

DECEMBER 23, 2024

kk