



262-2

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CR No.767 of 2016**

**Date of decision : 08.07.2025**

Gurudwara Sahib Patshahi and others

...Petitioners

Versus

Punjab Wakf Board ( A body corporate), Sector 22-B, Chandigarh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Anupam Singla, Advocate  
for the petitioners.

Mr. G.N. Malik, Advocate  
for respondent No.1.

None for respondent No.2.

**PANKAJ JAIN, J. (ORAL)**

The present revision petition is directed against order dated 17.11.2015 passed by Punjab Wakf Board, Tribunal, Bathinda.

2. The plaintiff-Punjab Wakf Board filed suit for possession of land measuring 24 Kanals bearing Khatauni No.1409, Khasra No.1307 situated in the area of village Siryawala, Tehsil Phul, District Bathinda by demolishing the construction raised thereon by defendants illegally and forcibly and further sought decree of permanent injunction restraining defendants from alienating the suit land with consequential relief of



mandatory injunction directing the defendants to hand-over vacant possession of the suit land to the plaintiff.

3. The suit filed by the plaintiff is based upon Punjab Gazette Notification dated 7<sup>th</sup> of August, 1971 whereby the property in dispute has been notified to be a wakf property and was held to be under unauthorized possession of Jora Singh. Wakf Board earlier in time filed civil suit. The suit was dismissed. Appeal preferred was also dismissed. However, in revision, this Court granted liberty to the Wakf Board to file fresh suit after impleading necessary party. The order is part of the record, as Exhibit P-8.

4. Thereafter, the present suit was filed by the Wakf Board against the petitioners.

5. Though Mr. Singla fairly admits that so far as Khasra No.1307 is concerned, the same is owned by Punjab Wakf Board and there is no dispute to the same. However, he submits that the Tribunal was required to give finding w.r.t. construction, if any, raised by the defendants in the said land. He submits that in the absence of there being any evidence to the effect that Gurudwara Sahib has raised any construction in Khasra No.1307, the mandate ought not have been issued against the defendants to hand-over the possession of the land to the plaintiff-Board after demolishing the construction.

6. Per contra, Mr. Malik submits that once the counsel for the petitioners/defendants concedes that land bearing Khasra No.1307 *qua* which the suit was filed and the decree has been passed is under the



ownership of plaintiff, no fault can be found with the decree passed by the Wakf Tribunal and thus, the present revision petition deserves to be dismissed.

7. Having heard counsel for the parties and after carefully perusing the records of the case, this Court finds that the present suit was filed regarding possession over the land measuring 24 Kanals bearing Khatuani No. 1409, Khasra No.1307. After Mr. Singla admits that the petitioners/defendants have nothing to do with the said land and the same is owned by plaintiff, this Court does not find any reason to interfere in the present revision petition.

8. So far as the plea raised by Mr. Singla w.r.t. absence of there being any finding regarding construction raised by Gurudwara Sahib in the suit land is concerned, this Court holds that the issue is subject matter of execution proceedings. Obviously, once the plaintiff has been held to be owner in possession of land comprised of specific khasra number, it is only the said land that he is entitled to get possession of. Under the garb of instant decree construction raised by defendants beyond suit land cannot be touched. Mr. Malik does not dispute the proposition.

9. With the aforesaid observations, the instant petition is disposed off.

**July 08, 2025**

**Dpr**

**(Pankaj Jain)  
Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No