



293

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

CR-4712-2022

Date of decision: 10.12.2025

Haryana Wakf Board

...Petitioner

Versus

Sita Ram

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.S. Bhatia, Advocate for the petitioner.

Mr. Manu Loona, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 09.08.2022 (Annexure P-3) passed by the Waqf Tribunal, Rohtak vide which the application filed by the respondent for transfer of the case from the jurisdiction of Waqf Tribunal to the Civil Court, was accepted.

2. On 27.10.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Present: Mr. J.S. Bhatia, Advocate and
Mr. Rajan Gupta, Advocate for the petitioner.*

Learned counsel contends that the eviction petition filed by the petitioner against defendant was at an advanced stage before the Wakf Tribunal, but the same has been erroneously transferred to the Civil Court through the impugned order dated 09.08.2022 by ignoring the amended statutory provision contained in Section 83 Wakf Act, 1995. He further submits that the Tribunal has placed reliance upon the decision dated 14.12.2017 passed by



this Court in CWP-19067-2017 titled as “Randhir Singh through his son Vijay Singh Vs. State of Haryana & Ors.”, but the said decision may not be applicable in view of the decision in “Rashid Wali Beg Vs. Farid Pindari & Ors 2021 (4) RCR (Civil) 718”.

Notice of motion for 06.02.2023.

*Meanwhile, the operation of the impugned order dated 09.08.2022 (Annexure P-3) shall remain stayed.
27.10.2022”*

3. Learned counsel for the petitioner has reiterated that in the present case, the petitioner had filed a suit for possession with consequential relief of permanent injunction and for recovery of mesne profits before the Tribunal and the case vide impugned order dated 09.08.2022 has been wrongly transferred by the Waqf Tribunal, Rohtak to the Civil Court at Sonapat. It is submitted that in the said order, it had been observed that a perusal of the plaint showed that the plaintiff itself had pleaded that the suit property was leased out in favour of the defendant and the defendant had paid the rent for some time but thereafter did not pay the rent. It is argued that in the **judgment dated 28.10.2021** passed by the Hon’ble Supreme Court in the case titled as **Rashid Wali Beg Vs. Farid Pindari and others, 2021(4) RCR (Civil) 718**, it has been detailed in para 43 of the said judgment as to what all cases would lie before the Tribunal and same also includes eviction of a tenant or determination of the rights and obligations of lessor and lessee of the waqf property. It is submitted that in view of the abovesaid judgment of the Hon’ble Supreme Court, the impugned order deserves to be set aside and the case is required to be decided by the Tribunal.

4. Learned counsel for the respondent has fairly submitted that in view of the law laid down by the Hon’ble Supreme Court in ***Rashid Wali***



Beg's case (Supra), the suit filed by the petitioner be tried by the Waqf Tribunal. It is however submitted that the respondent be given opportunity to raise all the defences as are available to him in law. It is further submitted that setting aside of the impugned order should not be construed as an expression of opinion on the merits of the case and the Tribunal be directed to decide the case after hearing the parties concerned in accordance with law.

5. Keeping in view the abovesaid facts and circumstances and the fair stand taken by learned counsel for the petitioner and learned counsel for the respondent as well as law laid down by the Hon'ble Supreme Court in **Rashid Wali Beg's** case (Supra), the present revision petition is disposed of and the impugned order dated 09.08.2022 is set aside and the Waqf Tribunal is directed to decide the suit filed by the petitioner in accordance with law.

6. It is made clear that setting aside of the impugned order should not be construed as an expression of opinion on the merits of the case and the Tribunal would decide the main case after hearing the parties concerned, in accordance with law.

7. The parties are directed to appear before the Tribunal on 15.01.2026.

8. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

10.12.2025*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**