



CWP-33661 of 2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-33661 of 2025

Date of Decision: November 20, 2025

Gram Panchayat, Village Bapoli

.....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: - Mr. Rakesh Sobti, Advocate
for the petitioner.

Mr. Abhimanyu Antil, DAG, Haryana.

HARSH BUNGER, J. (ORAL)

1. The prayer in the present petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Mandamus for directing respondent No.4-Wakf Tribunal, District Rohtak, to decide application bearing No.366 of 2023 dated 27.07.2023 along with stay application (Annexure P-8) filed by the petitioner, in Civil Suit No.10 of 2018, in a time bound manner.

2. Briefly, Haryana Wakf Board (respondent No.2) filed a Civil Suit No.10/2018 seeking a decree of possession and permanent injunction against the petitioner-Gram Panchayat in respect of land comprised in *Rectangle No.137, Killa No.170* (presently *Rectangle No.137, Killa No.170/2*) measuring 2233.33 sq. Yards, situated at village Bapoli, District Panipat.

2.1 It appears that petitioner-Gram Panchayat appeared in the said suit and filed its written statement and also submitted a counter-claim wherein, plea of adverse possession was taken.

2.2 Apparently, the Wakf Tribunal proceeded against the petitioner *ex-parte* vide order dated 13.12.2022 and the Civil Suit filed by respondent No.2 came to be decreed *ex-parte* against the petitioner and others, vide judgment and decree dated 21.12.2022 (Annexure P-4) directing them to handover the vacant possession of the suit land/property to the Haryana Wakf Board (plaintiff in the suit) within a period of three months whereas, vide same judgment and decree dated 21.12.2022 (Annexure P-4), the counter claim of the petitioner-Gram Panchayat was declined.

2.3 Thereafter, Haryana Wakf Board appears to have filed an Execution application No.74/2023.

2.4 Presently, the petitioner is stated to have filed an Application No.366 of 2023 under Order 9 Rule 13 CPC, seeking setting aside of the *ex-parte* judgment and decree dated 21.12.2022 (Annexure P-4). Along with the afore-said Application No.366 of 2023, another stay application has also been filed by the petitioner, which is stated to be pending. On the other hand, it appears that the learned Executing Court has issued Warrants of Possession on the basis of *ex-parte* judgment and decree dated 21.12.2022 (Annexure P-4).

2.5 The grievance of the petitioner is that the afore-said Application No.366 of 2023 filed by the petitioner under Order 9 Rule 13 CPC, seeking setting aside of the *ex-parte* judgment and decree dated 21.12.2022 (Annexure P-4) and also the stay application filed therein; is not being adjudicated due to incomplete quorum.

3. At this stage, learned State counsel has appeared and informs the Court, on instructions from Suman Bansal, District Attorney, Home Department that process for filling up the vacancies in the Wakf Tribunals in various districts have already been initiated and the process of appointment of the members of the Wakf Tribunal will be completed within a period of two months from today.
4. Keeping in view the aforesaid submissions made by learned State counsel that Wakf Tribunal is not functioning and the process for filling up vacancies of members of the Wakf Tribunal is likely to be concluded within a period of two months from today (as stated by learned State counsel), it would be in the interest of justice, if the execution proceedings in respect of ex-parte decree dated 21.12.2022 (Annexure P-4) be deferred for a period of three months from today so as to enable the petitioner to press his prayer for stay made vide his application filed along with application bearing No.366 of 2023 (Annexure P-8), before the Wakf Tribunal.
5. With the aforesaid observations, the present writ petition is disposed of.
6. All pending application(s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

November 20, 2025
Archana/gurpreet

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No