



2025:DHC:4751



\$~208

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 28.05.2025*+ **W.P.(C) 7713/2025 & CM Appl.34222/2025**

SUNMEET SINGH

.....Petitioner

Through: Mr. Pritish Sabharwal, Ms. Shweta
and Mr. Shiv Chopra, Advs.

versus

DELHI WAQF BOARD

.....Respondent

Through: Mr. Tushar Sannu, SC with Mr.
Pushkar Dwivedi, Adv.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)****CM Appl.34223/2025[Exemption from filing certified copies]**

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

W.P.(C) 7713/2025 & CM Appl.34222/2025[Stay]

3. The present Petition has been filed under Article 226 of the Constitution of India impugning the notice dated 16.04.2025 [hereinafter referred to as "Impugned Notice"] issued under Section 54(1) of the Waqf Act, 1995 by the Delhi Waqf Board. By the Impugned Notice, the encroachers and occupants within the boundary wall of the graveyard at MPL No. A-360-61, Khasra No. 154, Mauza Qadam Sharief, Qutab Road, Nabi Karim, Pahar Ganj, Delhi have been asked to show cause as to why the encroachments should not be removed.

4. The grievance of the Petitioner is that the Impugned Notice was issued to the "encroachers and occupants" and is wrongly posted on the



2025:DHC:4751



Petitioner's property which is Plot bearing No. A-360-361, having a total land area measuring 320 square yards, forming part of Khasra No. 154, situated at Ashoka Basti, Amar Puri, Nabi Karim, Pahar Ganj, New Delhi-110055 [hereinafter referred to as "subject property"].

4.1 Learned Counsel for the Petitioner submits that the subject property is not a Waqf property and that this aspect has already been adjudicated upon before. Reliance is placed on the proceedings previously filed in respect of the subject property before the Waqf Tribunal, which are annexed at Annexure P-7 and P-8 to the present Petition.

5. Learned Counsel for the Respondent, who appears on advance service, submits that the action that has been taken by the Respondent was pursuant to the orders dated 30.05.2024 and 26.03.2025 passed by the Coordinate Benches of this Court.

5.1 Learned Counsel for the Respondent further submits that in view of the order that this Court proposes to pass today, he does not wish to file a Reply.

6. After some arguments, learned Counsel for the Petitioner submits that his grievance would be satisfied if his reply to the Impugned Notice be treated as a representation and a detailed speaking order be passed by the Respondent examining the contentions raised by him in the present Petition and his reply.

7. Accordingly, and with the consent of the parties, the following directions are passed:

(i) The Reply dated 06.05.2025 filed by the Petitioner as well as the



2025:DHC:4751



present Petition shall be jointly treated as representation;

(ii) The Petitioner and/or his authorized representative shall appear for a hearing at the office of Mr. Azimul Haque, CEO, Delhi Waqf Board at 5028, Daryaganj, New Delhi-110002 on 06.06.2025 at 11:00 AM;

(iii) The Petitioner is permitted to produce any additional facts or documents in support of his contentions, at the time of the hearing before the concerned Authority.

(iv) In the event, if it is deemed necessary, that there is a need for more than one hearing, the Petitioner and the Respondent may mutually schedule such additional hearings amongst themselves as well;

(v) The Respondent/Authority shall examine the documents and pass a Speaking Order within six weeks of conclusion of the hearing(s); and

(vi) The speaking order shall be communicated within a week to the Petitioner under acknowledged postal service and e-mail.

8. The Petition is disposed of with the aforesaid directions. The pending Application also stands closed.

9. Needless to add, that in the event the Petitioner is aggrieved with the order passed by the Respondent/Authority, he may take appropriate steps in accordance with the law. All rights and contentions of the parties are left open in this regard.

10. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 28, 2025/r

Click here to check corrigendum, if any