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

+ **W.P.(C) 635/2025**

PEER SAYYAD MAIRAJUDDIN

.....Petitioner

Through: Mr. Haji Mohd. Yameen, Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Syed Abdul Haseeb, CGSC for
Respondent No.1/UOI.

Ms. Beenashaw Soni, Standing Counsel with
Ms.Mansi Jain, Advocate for Respondent
No.3/MCD.

Mr. Wajeeh Shafiq and Mr.Vishwajeet Kumar,
Advocates for Respondent No.4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

21.01.2025

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CM APPL. 3031/2025

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

W.P.(C) 635/2025 and CM APPL. 3030/2025

3. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following relief:

“(i) An appropriate writ or order may kindly be passed whereby specific direction may kindly be issued to all the Respondents to for restoration of the religious sanctity of the Shrines of Holy Muslim Saints known as Dargah Harey Bharey Sahab and Sufi Sarmad Shaheed situated opposite Shahi Gate (Gate No.2), Jama Masjid, Delhi-110006 by way of ordering of the removal of all unauthorised and illegal commercial



activities and premises from the wakf properties covered by the aforesaid Dargahs and all the non-religious activities/anti Islamic activities, etc. may kindly be ordered to be stopped urgently and immediately in the said Shrines/Dargahs.”

4. Learned counsel appearing for Respondent No.4 at the outset takes an objection to the maintainability of this writ petition on the ground that Petitioner has already approached the Delhi Waqf Tribunal and filed Muslim Law Petition No.34/2018, wherein identical relief has been claimed. To support this plea, learned Counsel hands over copy of the petition, which is taken on record.

5. Faced with this, Petitioner's counsel submits that the relief in this writ petition is distinct as he has also sought a direction that all non-religious activities etc. must be stopped in the Dargahs.

6. I have carefully perused the petition filed before the Waqf Tribunal and the relief sought therein. In the said petition, Petitioner has sought a decree of mandatory injunction directing Delhi Waqf Board and Municipal Corporation of Delhi to take legal action against private Respondents and remove the unauthorized occupants from the Waqf property as also a direction restraining them from raising any further unauthorized construction and to restore the property.

7. In my view, Petitioner cannot claim a relief of restoration of the Waqf property or a direction for removal of unauthorized construction from the shrines referred to in the writ petition as the same is subject matter of a petition pending before the Waqf Tribunal. As far as the second relief is concerned, i.e., stoppage of alleged non-religious activities in the Dargahs, this Court finds that there are no details in the writ petition to even remotely indicate or suggest how religious sentiments of the Petitioner are being



adversely impacted. In any case, these are disputed questions of fact and it is open to the Petitioner to take recourse to civil remedies.

8. Writ petition is accordingly dismissed along with the pending application.

JYOTI SINGH, J

JANUARY 21, 2025

B.S. Rohella