

**CWP-5004-1993****-1-**

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

119/4**CWP-5004-1993****Date of Decision: 18.04.2026****Punjab Wakf Board****...Petitioner****Versus****The State of Punjab and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Jai Bhagwan, Advocate and
Mr. Sanjeev Kumar, Advocate for the petitioner
Mr. Vikas Arora, Deputy Advocate General, Punjab
Mr. Jaiveer Singh, Advocate for legal representative(s) of
respondent No.6

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders dated 19.03.1990 (Annexure P-6) passed by Assistant Custodian General and order dated 16.11.1992 (Annexure P-8) passed by Financial Commissioner (Taxation), Punjab whereby Authorities have dismissed its claim.

2. The respondent authorities treated land comprised in Khasra No.184//2/2 measuring 9 Marlas situated in revenue estate of Dasuya, District Hoshiarpur as custodian property and disposed of in favour of private respondents. The petitioner-Punjab Wakf Board preferred revision petition under Section 27 of Administration of Evacuee Property Act, 1950 (for short '**1950 Act**') which came to be dismissed vide impugned order dated 19.03.1990. The Assistant Custodian General held that there is no force in the argument of petitioner and land has been rightly treated as



acquired evacuee property and further sold to private respondents. The petitioner further preferred petition before Financial Commissioner who vide order dated 16.11.1992 dismissed its petition. Learned Financial Commissioner has held that *muafi* was subject to *nek chalni* (good conduct) which is always attached to a person and not to a property. The donor and donee have migrated to Pakistan, thus, land was rightly treated as evacuee property.

3. Learned counsel for the petitioner submits that land as per revenue record was *gair mumkin takia*. It was used for religious purposes. It was not subject to *nek chalni*, thus, impugned orders are bad in the eye of law.

4. Learned State counsel as well as counsel for private respondents submits that private respondents preferred suit before Civil Court seeking declaration that he is purchaser/transferee in possession of the plot and it was never Wakf property. The suit was decreed vide judgment dated 04.08.1984. The petitioner preferred an appeal which came to be dismissed vide judgment dated 15.03.1986 passed by Additional District Judge, Hoshiarpur.

5. On being confronted with aforesaid orders of Civil Courts, learned counsel for the petitioner conceded that petitioner has not challenged aforesaid orders though allotment has been challenged before revenue authorities under 1950 Act.

6. Heard the arguments and perused the record.

7. From the perusal of record, it is evident that learned Civil Judge as well as Additional District Judge, Hoshiarpur has already held that suit

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property does not belong to Wakf Board. The suit was decreed in favour of plaintiff-private respondent. The judgments passed by Courts below were not challenged, thus, have attained finality. It is apt to notice that petitioner did not disclose existence of aforesaid orders. These orders have been brought on record by respondents. In view of categorical findings of learned Civil Judge as well as learned Additional District Judge, Hoshiarpur, there seems no reason to interfere in the impugned orders.

8. There is another aspect of the matter. The Authorities have held that suit property was exempted from revenue subject to good conduct. Property is not subjected to good conduct whereas a person is subjected to good conduct. The donor and donee have migrated from India. The land has become evacuee property. It was rightly allotted to private respondents.

9. The petitioner never challenged order whereby land was declared 'evacuee property'. Authorities under 1950 Act have exclusive jurisdiction to declare any property as 'evacuee'. In the backdrop, there seems no material factual or legal infirmity warranting interference while exercising jurisdiction under Articles 226/227 of the Constitution of India.

10. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

18.04.2026*Mohit Kumar*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No