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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 208/2024**
MANAGING COMMITTEE QABRASTAN, MASJID AND
DARGAH HAZRAT KHWAJA BAQI BILLAH (R.A.)Petitioner
Through: Mr. M. Sufian Siddiqui; Mr. Rakesh
Bhugra; Mr. MD. Niyazuddin, Advs.
along with Party in person
(Mohammad Mazhar Ahmed).
versus

ASHOK KUMAR SHO, P.S. NABI KARIMRespondent
Through: Mr. Tushar Sannu and Mr. Fajallu
Rehman, Advs. for GNCTD along
with SI Neeraj Rathi, PS Nabi Karim.

(5)
+ **W.P.(C) 13176/2023, CM APPL. 67349/2023 & CM APPL.**
8724/2024
MANAGING COMMITTEE QABRASTAN MASJID AND
DARGAH HAZRAT KHWAJA BAQI BILLAH (R.A)Petitioner
Through:
versus

DELHI WAQF BOARD & ORS.Respondents
Through: Ms. Farhat Jahan Rehmani, ASC for
R-1 along with Ms. Fatima Parveen
and Ms. Muskan Ali, Advs.
Mr. Tushar Sannu and Mr. Fajallu
Rehman, Advs. for GNCTD along
with SI Neeraj Rathi, PS Nabi Karim.
Mr. M.M. Singh, Adv. for Applicant.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **28.01.2026**
CONT.CAS(C) 208/2024 & W.P.(C) 13176/2023

1. *Mr. M. Sufian Siddiqui*, counsel for the petitioner (the Managing Committee duly constituted by the Delhi Waqf Board, which is represented



by Ms. Farhat Jahan Rehmani, Additional Standing Counsel), states that the issue lies in a narrow compass.

2. The prayers, which were sought in the writ petition, are extracted as under for reference:

“a. Issue a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the respondent no.3 herein/SHO, P.S: Nabi Karim to provide necessary police assistance to the petitioner management committee whilst ensuring that the petitioner management committee can efficaciously and lawfully discharge their official duties in managing the Waqf property in question, which encompasses a Qabristan, Masjid and Dargah of a famous Sufi Saint Hazrat Khwaja Baqi Billah (R.A), without any hinderance, obstruction and/or intimidation by any usurper or unauthorized person; and

b. Issue a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the respondents herein, especially the respondent no.1, 2 & 4 herein to discharge their statutory duties as contemplated under the Waqf Act, 1995 whilst taking apposite legal action against all the encroachers apropos the Waqf under reference inter-alia by forthwith removing them from the Waqf property in question, which comprises of a Qabristan, Masjid and Dargah of a famous Sufi Saint Hazrat Khwaja Baqi Billah (R.A)”.

3. This issue relates to the removal of encroachers from the said Waqf property.

4. The relief essentially has been sought for directions to the State machinery, in particular the SHO, PS Nabi Karim, to provide necessary police assistance to ensure that the Delhi Waqf Board, represented through the Managing Committee of the said property, is able to execute its orders.

5. In fact, an order dated 06th January 2022 was passed by the Delhi Waqf Board, appended as *Annexure P7* to the writ petition, stating that *Sh. Nasir*,



son of Late Sh. Usman, is an encroacher upon the Waqf property in question. He was directed to remove himself, along with his agents, employees, representatives, etc., from the Waqf property within 15 days of the receipt of the order.

6. In respect of the same, order dated 09th October 2023 was passed by this Court directing for status reports to be filed, followed by order dated 22nd December 2023 reiterating the said directions.

7. The contempt petition, being CONT.CAS(C) 208/2024 was filed by the Managing Committee seeking the initiation of proceedings under the Contempt of Courts Act, 1971, against the SHO, PS Nabi Karim, alleging wilful disobedience of the orders dated 09th October 2023 and 22nd December 2023.

8. However, a status report has been filed and placed on record in the writ petition on 12th February 2024.

9. Today, *SI Neeraj Rathi*, representing PS Nabi Karim, is present in Court and states that no immediate law & order situation has occurred/arisen of immediate concern requiring urgent intervention, and that they have been deploying police personnel during Friday prayers and on any festive occasion.

10. Considering that orders passed on 09th October 2023 and 22nd December 2023 were limited to filing of a status report, which has now been filed, in the opinion of this Court, the contempt petition need not subsist.

11. Needless to state, petitioner shall confine itself to the prayers in the writ petition.

12. *Ms. Rehmani*, ASC, states that the Delhi Waqf Board is presently not duly constituted since the term of the previous Board has expired.

13. Awaiting the same, it would be appropriate if the counsel for petitioner



and the counsel for the Delhi Waqf Board collaborate in placing before this Court a fresh report pursuant to a fresh survey, so that the current status be ascertained.

14. For the purposes of conducting the survey, SHO, PS Nabi Karim, shall provide police personnel in consultation with the Delhi Waqf Board, in order that there is no harm to person or property.

15. The SHO, PS Nabi Karim, shall indicate whether any destruction or law and order issues have arisen in the last two years since the previous status report was filed, and the efforts made towards deployment at the request of the Delhi Waqf Board or the petitioner and compliance thereof.

16. The status reports, both on behalf of the Delhi Waqf Board and the SHO, PS Nabi Karim, will be filed within the next six weeks.

17. A reply has already been filed by the Delhi Waqf Board on 24th January 2026, which is on record. It is stated in the said reply that notices under Section 54 of UMEED Act, 1995, have been issued to the encroachers and there is little delay in pursuing the eviction proceedings.

18. *Ms. Rehmani*, ASC, states that in any event, they will be issuing fresh notices to the said encroachers, considering that the details of some of them are already available pursuant to the previous survey conducted on 14th May 2025.

19. An additional issue arises out of letter dated 24th January 2022, which is appended as *Annexure P9* to the petition. This communication addressed to the police also requested for police assistance.

20. This aspect will also be considered and included in the directions which have already been passed.

21. Accordingly, the contempt petition is disposed of in view of the



aforesaid directions.

W.P.(C) 13176/2023

1. List on 02nd April 2026.
2. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 28, 2026/MK/bp