

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1509 OF 2020

(Arising out of S.L.P. (C) No. 15530 OF 2015)

PUNJAB WAKF BOARD

... APPELLANT(S)

VERSUS

TARLOCHAN SINGH(DEAD)THRU.LRS.& ANR.

... RESPONDENT(S)

WITH

Civil Appeal No.1512/2020 arising out of S.L.P.(C)No.15873/2015,  
Civil Appeal No.1513/2020 arising out of S.L.P.(C)No.15670/2015,  
Civil Appeal No.1514/2020 arising out of S.L.P.(C)No.15696/2015,  
Civil Appeal No.1515/2020 arising out of S.L.P.(C)No.15892/2015  
& Civil Appeal No.1516/2020 arising out of S.L.P.  
(C)No.15727/2015.

AND

Civil Appeal No.1517/2020 arising out of S.L.P.(C)No.13216/2018,  
Civil Appeal No.1518/2020 arising out of S.L.P.(C)No.16031/2018,  
Civil Appeal No.1519/2020 arising out of S.L.P.(C)No.16611/2018  
Civil Appeal No.1520/2020 arising out of S.L.P.(C)No.19422/2018,  
Civil Appeal No.1521/2020 arising out of S.L.P.(C)No.19423/2018,  
Civil Appeal No.1522/2020 arising out of S.L.P.(C)No.23534/2018,  
Civil Appeal No.1523/2020 arising out of S.L.P.(C)No.23538/2018  
Civil Appeal No.1524/2020 arising out of S.L.P.(C)No.26650/2018,  
Civil Appeal No.1525/2020 arising out of S.L.P.(C)No.23536/2018,  
Civil Appeal No.1526/2020 arising out of S.L.P.(C)No. 7254/2019,  
Civil Appeal No.1527/2020 arising out of S.L.P.(C) No. 6196/2019  
and Civil Appeal No.1528/2020 arising out of S.L.P.  
(C)No.4170/2020 [arising out of Diary No. 7873/2019]

AND

S.L.P.(C)No.13752/2018

O R D E R

Civil Appeal No.1509 OF 2020 arising out of S.L.P.(C)  
No. 15530 of 2015), Civil Appeal No.1512/2020 arising out of  
S.L.P.(C) No.15873/2015, Civil Appeal No.1513/2020 arising out

of S.L.P.(C)No.15670/2015, Civil Appeal No.1514/2020 arising out of S.L.P.(C)No.15696/2015, Civil Appeal No.1515/2020 arising out of S.L.P.(C)No.15892/2015 & Civil Appeal No.1516/2020 arising out of S.L.P.(C)No.15727/2015:-

Leave granted.

Heard the learned counsel appearing for the Punjab Wakf Board and the learned counsel appearing for the respondents.

Taking into consideration the judgment by this Court in Civil Appeal Nos.92/2019 and 93/2019 titled as "Punjab Wakf Board vs. Sham Singh Harike etc.", reported in (2019) 4 SCC 698, which held that the bar of jurisdiction of civil court is confined only to those matters which are required to be determined by the tribunal under the Waqf Act, 1995 (hereinafter referred to as the "1995 Act") and the civil court shall have jurisdiction to entertain the suit and proceedings which are excluded under the 1995 Act, we are of the considered view that the High Court has rightly dismissed the Revision Petitions granting liberty to the Wakf Board to approach the civil court for their rights.

Accordingly, we see no reason to interfere with the impugned order passed by the High Court of Punjab and Haryana at Chandigarh.

The appeals are, accordingly, dismissed.

Pending applications filed in the matters also stand disposed of.

At the request of the counsel for the appellant- Punjab Wakf Board, we grant liberty, without making any comment or observations, to the said Board to approach the civil court or any other forum for the reliefs they seek. The appellant(s) have stated that post amendment *vide* Act 27 of 2013, the Wakf Tribunal has jurisdiction. It is obvious that the respondents

would be entitled to raise objections and contest the proceedings in accordance with law.

Civil Appeal No.1517/2020 arising out of S.L.P.(C)No.13216/2018,  
Civil Appeal No.1518/2020 arising out of S.L.P.(C)No.16031/2018,  
Civil Appeal No.1519/2020 arising out of S.L.P.(C)No.16611/2018  
Civil Appeal No.1520/2020 arising out of S.L.P.(C)No.19422/2018,  
Civil Appeal No.1521/2020 arising out of S.L.P.(C)No.19423/2018,  
Civil Appeal No.1522/2020 arising out of S.L.P.(C)No.23534/2018,  
Civil Appeal No.1523/2020 arising out of S.L.P.(C)No.23538/2018  
Civil Appeal No.1524/2020 arising out of S.L.P.(C)No.26650/2018,  
Civil Appeal No.1525/2020 arising out of S.L.P.(C)No.23536/2018,  
Civil Appeal No.1526/2020 arising out of S.L.P.(C)No. 7254/2019,  
Civil Appeal No.1527/2020 arising out of S.L.P.(C)No. 6196/2019  
Civil Appeal No.1528/2020 arising out of S.L.P.(C)No.4170/2020  
[arising out of Diary No. 7873/2019):-

Delay in filing the application for substitution is condoned and application for substitution is allowed in Special Leave Petition (C)No. 6196/2019.

Delay condoned in S.L.P.(C) D. No. 7873/2019.

Leave granted.

These appeals arise out of common impugned Judgment whereby the High Court has dismissed the Revision Petitions filed by the appellants herein.

In fact, initially the proceedings were initiated by the sole respondent in all the matters, i.e. Haryana Wakf Board, before the Wakf Tribunal seeking eviction, suit for possession, mesne profits and consequential relief of permanent injunction claiming to be owner of the property and declaring the petitioners herein in unauthorized possession of the property. The said reliefs were granted by the Wakf Tribunal by its Order dated 28-10-2015. Feeling aggrieved, the Revision Petitions were filed by the appellants herein and the High Court vide its Order dated 9-3-2018 dismissed the same.

The appellants herein have challenged the said dismissal of the Revision Petitions and filed these appeals by way of Special Leave Petitions before us.

After hearing the learned counsel appearing for the parties at length, there is no dispute that the issues raised in these appeals are covered by the Judgment of this Court in Punjab Wakf Board (supra). This Court has clearly held that in case of disputes relating to title of the Wakf property, the Wakf Tribunal has the jurisdiction to decide the case and as far as the ejectment and recovery of possession are concerned, the respondent has to file a suit before the appropriate forum/court having jurisdiction. In the present case, even though the respondent had wrongly approached the Wakf Tribunal for the reliefs, the order of the Wakf Board has been upheld by the High Court. This in view of the decision in the Punjab Wakf Board (supra) is not correct.

In view of the above, we dispose of the appeals upholding the finding that the Wakf Board is the owner of the property as per the notification issued, but hold that so far as the possession and ejectment etc. are concerned, it is open for the Wakf Board to approach the appropriate forum in accordance with law; in terms of the liberty granted above. If any such petition is filed by the Wakf Board, taking into consideration the delay, the forum would be well advised to dispose of the same expeditiously.

The appeals are partly allowed in the aforesaid terms.

Pending applications filed in the matters also stand disposed of.

**S.L.P.(C) No.13752/2018:**

**The Special Leave Petition is dismissed.**

.....J.  
(N.V. RAMANA)

.....J.  
(SANJIV KHANNA)

.....J.  
(KRISHNA MURARI)

**NEW DELHI;  
FEBRUARY 5, 2020**

CORRECTED

ITEM NO.2                                  COURT NO.2                                  SECTION IV-B/XVI  
 S U P R E M E C O U R T O F I N D I A  
 RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.15530/2015

(Arising out of impugned final judgment and order dated 14-01-2015 in CR No. 7360/2012 passed by the High Court Of Punjab & Haryana At Chandigarh)

PUNJAB WAKF BOARD                                  Petitioner(s)  
 VERSUS

TARLOCHAN SINGH(DEAD) THRU. LRS.& ANR.                                  Respondent(s)

WITH

SLP(C) No. 15873/2015 (IV-B)  
 SLP(C) No. 15670/2015 (IV-B)  
 SLP(C) No. 15696/2015 (IV-B)  
 SLP(C) No. 15892/2015 (IV-B)  
 SLP(C) No. 15727/2015 (IV-B)

SLP(C) No. 13216/2018 (IV-B)

SLP(C) No. 13752/2018 (XVI)

(FOR EXEMPTION FROM FILING O.T. ON IA 76080/2018)

SLP(C) No. 16031/2018 (IV-B)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 86961/2018 AND FOR EXEMPTION FROM FILING O.T. ON IA 86962/2018)

SLP(C) No. 16611/2018 (IV-B)

(IA No. 90079/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 19422/2018 (IV-B)

(FOR EXEMPTION FROM FILING O.T. ON IA 98159/2018)

SLP(C) No. 19423/2018 (IV-B)

(IA No. 98074/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 23534/2018 (IV-B)

(FOR EXEMPTION FROM FILING O.T. ON IA 108248/2018)

SLP(C) No. 23538/2018 (IV-B)

(IA No. 102873/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 26650/2018 (IV-B)

SLP(C) No. 23536/2018 (IV-B)

(FOR EXEMPTION FROM FILING O.T. ON IA 104282/2018)

SLP(C) No. 7254/2019 (IV-B)

(IA No. 153780/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 6196/2019 (IV-B)

(IA No. 162819/2018 - APPLICATION FOR SUBSTITUTION AND IA No. 162820/2018 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.)

Diary No.7873/2019 (IV-B)

(IA No. 114784/2019 - CONDONATION OF DELAY IN FILING SLP, IA No. 114785/2019 - CONDONATION OF DELAY IN REFILING SLP AND IA No. 114786/2019 - EXEMPTION FROM FILING O.T.)

Date : 05-02-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s)

Mr. Abhishek Vikas, AOR

Mr. Imtiaz Ahmed, Adv.

Mrs. Naghma Imtiaz, Adv.

Mr. Ahmed Zargham, Adv.

Mr. Ahmed Faraz, Adv.

Ms. Farheen Fatma, Adv.

For M/s.Equity Lex Associates, AOR

Mr. Rakesh Kr. Khanna, Sr. Adv.

Mr. Nirmal Singh Chechi, Adv.

Mr. Virender Singh, Adv.

Ms. Vaishali Gupta, Adv.

Mr. Himanshu Mehra, Adv.

Mr. Sudhir Naagar, AOR

For Respondent(s)

Mr. Imtiaz Ahmed, Adv.

Mrs. Naghma Imtiaz, Adv.

Mr. Ahmed Zargham, Adv.

Mr. Ahmed Faraz, Adv.

Ms. Farheen Fatma, Adv.

For M/S. Equity Lex Associates, AOR

Mr. Sumeer Sodhi, Adv.

Mr. Amitabh Sinha, Adv.

Mr. T. Mahipal, AOR

Mr. R.K. Kapoor, Adv.  
 Ms. Priya Pande, Adv.  
 Mr. Anis Ahmed Khan, AOR

Mr. Avinash Kr. Lakhanpal, AOR

Mr. Karan Dewan, Adv.  
 Miss Aanchal Jain, AOR

Mr. Irshad Ahmad, AOR

Farah Hashmi, Adv.  
 Mr. Mohd. Farhan Khan, Adv.  
 Md. Shahid Anwar, AOR

UPON hearing the counsel the Court made the following  
 O R D E R

SLP(C)No.15530/2015, SLP(C) No.15873/2015 SLP(C)  
 No. 15670/2015, SLP(C) No. 15696/2015, SLP(C) No.15892/2015  
 and SLP(C) No. 15727/2015:-

Leave granted.

The appeals are dismissed in terms of the signed order.

Pending applications filed in the matters also stand  
 disposed of.

SLP(C) No. 13216/2018, SLP(C) No. 16031/2018, SLP(C)  
 No. 16611/2018, SLP(C) No. 19422/2018, SLP(C) No. 19423/2018,  
 SLP(C) No. 23534/2018, SLP(C) No. 23538/2018, SLP(C)  
 No. 26650/2018, SLP(C) No. 23536/2018, SLP(C) No. 7254/2019,  
 SLP(C) No. 6196/2019 and Diary No.7873/2019:-

Delay in filing the application for substitution is  
 condoned and application for substitution is allowed in  
 Special Leave Petition (C)No. 6196/2019.

Delay condoned in S.L.P.(C) D. No. 7873/2019.

Leave granted.

The appeals are partly allowed in terms of the signed  
 order.



Pending applications filed in the matters also stand disposed of.

S.L.P.(C) No.13752/2018:

The Special Leave Petition is dismissed.

(VISHAL ANAND)  
COURT MASTER (SH)

(Signed Order is placed on the file)

(RAJ RANI NEGI)  
ASSISTANT REGISTRAR

ITEM NO.2    COURT NO.2    SECTION IV-B/XVI  
S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.15530/2015

(Arising out of impugned final judgment and order dated 14-01-2015 in CR No. 7360/2012 passed by the High Court Of Punjab & Haryana At Chandigarh)

PUNJAB WAKF BOARD

Petitioner(s)

VERSUS

TARLOCHAN SINGH(DEAD) THRU. LR.& ANR.

Respondent(s)

WITH

SLP(C) No. 15873/2015 (IV-B)

SLP(C) No. 15670/2015 (IV-B)

SLP(C) No. 15696/2015 (IV-B)

SLP(C) No. 15892/2015 (IV-B)

SLP(C) No. 15727/2015 (IV-B)

SLP(C) No. 13216/2018 (IV-B)

SLP(C) No. 13752/2018 (XVI)

(FOR EXEMPTION FROM FILING O.T. ON IA 76080/2018)

SLP(C) No. 16031/2018 (IV-B)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 86961/2018 AND FOR EXEMPTION FROM FILING O.T. ON IA 86962/2018)

SLP(C) No. 16611/2018 (IV-B)

(IA No. 90079/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 19422/2018 (IV-B)

(FOR EXEMPTION FROM FILING O.T. ON IA 98159/2018)

SLP(C) No. 19423/2018 (IV-B)

(IA No. 98074/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 23534/2018 (IV-B)

(FOR EXEMPTION FROM FILING O.T. ON IA 108248/2018)

SLP(C) No. 23538/2018 (IV-B)

(IA No. 102873/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 26650/2018 (IV-B)

SLP(C) No. 23536/2018 (IV-B)

(FOR EXEMPTION FROM FILING O.T. ON IA 104282/2018)

SLP(C) No. 7254/2019 (IV-B)

(IA No. 153780/2018 - EXEMPTION FROM FILING O.T.)

**SLP(C) No. 6196/2019 (IV-B)**

**(IA No. 162819/2018 - APPLICATION FOR SUBSTITUTION AND IA No. 162820/2018 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.)**

**Diary No.7873/2019 (IV-B)**

**(IA No. 114784/2019 - CONDONATION OF DELAY IN FILING SLP, IA No. 114785/2019 - CONDONATION OF DELAY IN REFILING SLP AND IA No. 114786/2019 - EXEMPTION FROM FILING O.T.)**

**S.L.P.(C) No.13752/2018**

**Date : 05-02-2020 These petitions were called on for hearing today.**

**CORAM :**

**HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE KRISHNA MURARI**

**For Petitioner(s)**

**Mr. Abhishek Vikas, AOR**

**Mr. Imtiaz Ahmed, Adv.**

**Mrs. Naghma Imtiaz, Adv.**

**Mr. Ahmed Zargham, Adv.**

**Mr. Ahmed Faraz, Adv.**

**Ms. Farheen Fatma, Adv.**

**For M/s.Equity Lex Associates, AOR**

**Mr. Rakesh Kr. Khanna, Sr. Adv.**

**Mr. Nirmal Singh Chechi, Adv.**

**Mr. Virender Singh, Adv.**

**Ms. Vaishali Gupta, Adv.**

**Mr. Himanshu Mehra, Adv.**

**Mr. Sudhir Naagar, AOR**

**For Respondent(s)**

**Mr. Imtiaz Ahmed, Adv.**

**Mrs. Naghma Imtiaz, Adv.**

**Mr. Ahmed Zargham, Adv.**

**Mr. Ahmed Faraz, Adv.**

**Ms. Farheen Fatma, Adv.**

**For M/S. Equity Lex Associates, AOR**

**Mr. Sumeer Sodhi, Adv.**

**Mr. Amitabh Sinha, Adv.**

**Mr. T. Mahipal, AOR**

Mr. R.K. Kapoor, Adv.  
 Ms. Priya Pande, Adv.  
 Mr. Anis Ahmed Khan, AOR

Mr. Avinash Kr. Lakhanpal, AOR

Mr. Karan Dewan, Adv.  
 Miss Aanchal Jain, AOR

Mr. Irshad Ahmad, AOR

Farah Hashmi, Adv.  
 Mr. Mohd. Farhan Khan, Adv.  
 Md. Shahid Anwar, AOR

UPON hearing the counsel the Court made the following  
 O R D E R

SLP(C)No.15530/2015, SLP(C) No.15873/2015 SLP(C)  
 No. 15670/2015, SLP(C) No. 15696/2015, SLP(C) No.15892/2015  
 and SLP(C) No. 15727/2015:-

Leave granted.

The appeals are dismissed in terms of the signed order.

Pending applications filed in the matters also stand  
 disposed of.

SLP(C) No. 13216/2018, SLP(C) No. 16031/2018, SLP(C)  
 No. 16611/2018, SLP(C) No. 19422/2018, SLP(C) No. 19423/2018,  
 SLP(C) No. 23534/2018, SLP(C) No. 23538/2018, SLP(C)  
 No. 26650/2018, SLP(C) No. 23536/2018, SLP(C) No. 7254/2019,  
 SLP(C) No. 6196/2019 and Diary No.7873/2019:-

Delay in filing the application for substitution is  
 condoned and application for substitution is allowed in  
 Special Leave Petition (C)No. 6196/2019.

Delay condoned in S.L.P.(C) D. No. 7873/2019.

Leave granted.

The appeals are partly allowed in terms of the signed  
 order.

Pending applications filed in the matters also stand disposed of.

S.L.P.(C) No.13752/2018:

The Special Leave Petition is dismissed.

(VISHAL ANAND)  
COURT MASTER (SH)

(RAJ RANI NEGI)  
ASSISTANT REGISTRAR  
(Signed Order is placed on the file)