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

+ W.P.(C) 6382/2024 & CM APPL. 26514/2024

MASJID AND DARGAH SHAH ABDUL SALAM THROUGH ITS
MUTAWALLI SHRI MOHD MOHIUDDINPetitioner

Through: Mr. Wajeeh Shafiq, Ms. Mudassar
Jahan Faridi, Ms. Shagufta Ansari,
Mr. Rahul Yadav Advocates.

Versus

THE GOVERNMENT OF NCT OF DELHI THROUGH OFFICE OF
LIEUTENANT GOVERNOR DELHI & ANR.Respondents

Through: Mr. Sameer Vashisth standing
Counsel for GNCTD (Civil)
Alongwith Mr. Sumit K. Batra and
Ms. Priyanka Jindal, Advocates
Ms farhat Jahan rehmani ASC, Ms
Fatima parveen adv, Ms Muskan Ali
adv for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **27.04.2026**

1. The petitioner is aggrieved by the non-constitution of Waqf Tribunal by the respondent-authorities, as required under Section 83(1) of the Waqf Act, 1995 (Act).
2. As per the petitioner, it is a party to three proceedings under the Act,



which have seen no progress since the year 2022, since there does not exist a duly notified Waqf Tribunal.

3. This Court, on various dates, has taken note of the aforesaid impasse and had directed the respondents to inform the Court as to the progress thereof. On 18.12.2024, 09.07.2025, and 10.11.2025, the Law Secretary, Government of NCT of Delhi (**GNCTD**), was directed to join proceedings virtually, and he remained present on 24.02.2025, 27.08.2025, 16.12.2025, and 23.02.2026. On all the said occasions, it was assured that necessary steps in this regard would be taken on an urgent basis. However, it is seen that the matter has not yet seen substantial progress, despite the assurance given on various occasions.

4. Considering the aforesaid, on 23.02.2026, the Court directed the Chief Secretary of GNCTD to do the needful before the next date of hearing. Further, the competent officer authorised by the Chief Secretary was directed to file an affidavit indicating the progress in this regard.

5. An affidavit dated 24.04.2026 has been filed in compliance of order dated 23.02.2026. It is stated therein that the respondent authorities have taken all requisite steps for the constitution of the Waqf Tribunal.

6. It is stated that the names of the Chairman of the Tribunal and one of the members have already been finalised. However, the name of the second member, who is to be a person having knowledge of Muslim law and jurisprudence is yet to be finalised by the President of India, as required under Section 45D(a) of the Government of National Capital Territory of Delhi Act, 1991 (**GNCTD Act**).

7. Two of the names recommended by the respondents have been returned and with directions to recommend fresh names *vide* letters dated



25.09.2025 and 10.04.2026. Pursuant to the same, the respondent authorities have requested the Executive Officer, Delhi State Haj Committee to recommend another suitable name for the said purpose, *vide* letter dated 23.04.2026.

8. Learned counsel for the petitioner submits that the provision under Section 45D of the GNCTD Act would have no application in the present case. He further submits that under the first proviso to Section 83 of the Act, the State Government may transfer pending proceedings to any other Waqf Tribunal which is functional. However, even the same has not yet been made.

9. It was incumbent upon the respondents to have properly addressed all those aspects and to have rendered full assistance to the Court. The Court finds that the assistance rendered by the Department is completely inadequate and the Department's actions has to be further deprecated as a whole.

10. There is no tribunal for more than four years. As a last indulgence, on the next date of hearing, let the respondent to satisfy the Court regarding three aspects: (i) why the powers vested under the first proviso of Section 83 are not being invoked, (ii) whether for appointment of the tribunal, the concurrence of the president is required Section 45D of the GNCTD Act, (iii) why the timely steps are not being taken by the Department to get the name of the presiding officer/members of the tribunal approved by the competent authority.

11. The aspect of whether the respondents have taken sufficient steps pursuant to the directions of the Court shall be looked into on the next date of hearing. If the Court is not satisfied with the respondents' response, the



Court shall be constrained to take suitable action.

12. List on 19.05.2026.

APRIL 27, 2026/p

PURUSHAINDR KUMAR KAURAV, J