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

+ **W.P.(C) 10210/2024**

**MANAGING COMMITTEE, MASJID SYED FAIZ ELAHI
(REGD.)**

.....Petitioner

Through: **Mr. Wajeeh Shafiq & Mr. Nimish C.,
Adv.**

versus

DELHI WAQF BOARD & ORS.

.....Respondents

Through: **Mrs. Rashmi Chopra, Mrs. Farhat
Jahan Rehmani, Mr. Monis Faridi,
Mr. Parkshit & Mr. Nurshlin Ansari,
Adv.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% 12.08.2024

CM APPL. 41921/2024 (stay)

1. Arguments heard.
2. Order reserved.

W.P.(C) 10210/2024

1. On 25.07.2024, the respondent-Waqf Board raised an objection with respect to the locus of the present petitioner to maintain the instant writ petition. In pursuance of the objection raised by the Waqf Board, the petitioner was directed to satisfy as to how the instant writ petition is maintainable.



2. The respondent-Waqf Board was also granted liberty to file a reply alongwith objections regarding the locus of the petitioner. In pursuance of the direction passed by this Court, the respondent-Waqf Board placed on record a copy of the Board resolution dated 20.09.2012.

3. While taking this Court to point no.8(c) of the aforesaid Board resolution, learned counsel submits that the Committee of Mr. Qayamuddin was dissolved, and the Committee was directed to hand over the cheque and passbook of the bank to the auditor of the Waqf Board and to immediately cease operation of the bank accounts. Learned counsel, therefore, submits that the Committee headed by Mr. Qayamuddin was dissolved as early as 20.09.2012. She further submits that even otherwise, in terms of the Government notification *vide* order no. F.No 3(4)/Minority/Div.Comm./2022/28-35 dated 10.01.2024, issued by the Minority Affairs Branch, Office of the Divisional Commissioner, Government of NCT of Delhi, an Administrator has been appointed to look after the affairs of the Delhi Waqf Board till the Board is reconstituted. She, therefore, submits that so long as the resolution dated 20.09.2012 is not set aside, the petitioner is not entitled to maintain the instant writ petition.

4. Learned counsel appearing for the petitioner has also placed on record a reply to the response filed by the Delhi Waqf Board. He has also filed various documents to indicate that the petitioner is managing the affairs of the Waqf under reference till date. He submits that, at least till 28.11.2023, there are documents available on record which unequivocally demonstrate that even the Delhi Waqf Board was recognizing the petitioner as Mutawalli/Secretary of the Managing Committee. The petitioner has also taken this Court through various other documents and has indicated that



after passing of the Board resolution dated 20.09.2012, there has been reconsideration and the petitioner was directed to deposit contribution at a modified rate i.e., 20% per annum of the net income of the Dargah. He submits that by way of a subsequent resolution dated 22.02.2014, it was recorded that the representative of the erstwhile Managing Committee of the Dargah, Masjid Syed Faiz Elahi, Mr. Matloob Karim, had agreed to pay arrears of Waqf contribution of the said Dargah at the rate of 20 % per annum of the net income of the Dargah instead of 33 % demanded by the Waqf Board. He points out that upon the aforesaid consideration, it was resolved that the erstwhile Managing Committee of the Dargah, Masjid Syed Faiz Elahi, would clear the arrears/dues of Waqf contribution at the rate of 20 per cent (7% as Waqf contribution and 13 % as donation) within a period of one month from the concerned date. He further submits that till date, the respondent-Waqf Board has not appointed any administrator and the administrator who is stated to have been appointed *vide* order dated 10.01.2024 is not for the Managing Committee, but for the Delhi Waqf Board. He, therefore, submits that as on date, the petitioner is managing the affairs of the concerned Committee and therefore, the petition is maintainable.

5. I have considered the submissions made by the learned counsel appearing for the parties.

6. Without going into the merits, at this stage, insofar as the issue as to what amount of contribution ought to be deposited by the petitioner, the Court is of the considered opinion that the petitioner is entitled to maintain the instant writ petition. The respondents are unable to point out any substitution of the existing committee or, at the very least, justify as to who



else is managing the affairs of the petitioner committee. The petitioner, on the other hand, has been able to point out through various documents that till date, the petitioner is at the helm of management.

7. Reserving the rights and contentions to be raised even on the issue of maintainability at later stage, besides merit, the objections raised by the learned counsel for the respondent regarding the locus of the petitioner stands overruled at this stage.

8. However, the aforesaid observation is only for the purpose of entertaining the instant writ petition. The issue *qua* the removal of the petitioner from the Managing Committee has to be considered at an appropriate stage.

9. List on 03.12.2024.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 12, 2024/DA