

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDCITION

CIVIL APPEAL NO. 3179 OF 2009

Punjab Wakf Board ..Appellant

Versus

Surjit Singh and Others ..Respondent(s)

WITH

CIVIL APPEAL NO. 3187 OF 2009

Punjab Wakf Board ..Appellant

Versus

Harpal Singh and others ..Respondent(s)

ORDER

These appeals by special leave are directed against the judgment and order dated 9th August, 2002 passed by the High Court of Punjab and Haryana, at Chandigarh, in Civil Writ Petition no. 12458 of 2002 and Civil Writ Petition No. 12399 of 2002 respectively, whereby the High Court has dismissed the same. Aggrieved by the said orders, present appeals have been filed.

It is the contention of the appellant that the properties vest with the Wakf Board. Without considering the relevant documents, the authorities as well as the High Court have rejected the claim of the Wakf Board. Learned Counsel for the Appellant has relied upon the document marked as Annexure p-1, contending that, as per the document, this land belongs to the Wakf Board. He further contends that the Authorities as well as the High Court have failed to examine the relevant record.

On the other hand learned counsel appearing on behalf of the respondents' contend that, in view of the concurrent findings on fact, the property in dispute was never dedicated to the Wakf institution. He places reliance upon a judgment of this court, reported in *Punjab Wakf Board, Ambala Cant. vs. Capt. Mehar Singh and others*, (1975) 2 SCC 643 [hereinafter "Capt. Mehar Singh case" for brevity].

Having heard learned counsel for parties, it is to be noted that the property was never dedicated to

the Wakf institution and all the Authorities, including the Custodian General, have clearly given a categorical finding of fact, that the ownership of land was never transferred to the aforesaid Institution by way of dedication as Wakf property. Up to the partition of the country in 1947, the suit land continued to be owned by the Shamlat Deh, Shamlat Patti or Individuals. On the event of the partition this land was abandoned and consequently it became an evacuee property. There is neither any evidence of dedication as a Wakf property nor is there any evidence to show that the Custodian determined the disputed land as Wakf property.

In the counter affidavit filed by the Respondent Nos. 5 and 6, it has been categorically stated that-

"in regard to sub-para (IV) of the para No. 2 of the S.L.P., it is submitted that the learned Financial Commissioner, Revenue, Punjab, has rightly relied upon the judgment of this Hon'ble Court reported at AIR-1975-SC-Page-1895, which is very much relevant to the present case. There is no evidence of dedication or use of the disputed property, nor there was any evidence to show that custodian determined the disputed land as Wakf property. The allotment made under the

Displaced Persons (C&R) Act was never challenged. Mere exercise of powers by the Wakf Board under the Wakf Act 1954, in respect of the said property could not be established and identify the property in question as Wakf property."

Taking into consideration these factual aspects and relying upon the judgment of this court in *Capt. Mehar Singh case* (supra), we feel that there is no reason to interfere with the order(s) passed by the High Court. The appeals are, accordingly, dismissed.

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

.....J.
(PRAFULLA C. PANT)

New Delhi;
July 11, 2017.

ITEM NO.101

COURT NO.10

SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 3179/2009

PUNJAB WAKF BOARD

Appellant(s)

VERSUS

SURJIT SINGH & ORS.

Respondent(s)

WITH

C.A. No. 3187/2009 (IV)

Date : 11-07-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s)

Mr. Irshad Ahmad, AOR
Mr. Anurag Rawat, Adv.
Mr. Sudhir Kumar, Adv.

For Respondent(s)

Mr. Arun K. Sinha, AOR

Mr. Vipin Gogia, Adv.
Ms. Jaspreet Gogia, AOR

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

These appeals are dismissed in terms of the signed order.

(SUKHBIR PAUL KAUR)
AR CUM PS

(S. SIVARAMAKRISHNA)
ASST.REGISTRAR

(Signed order is placed on the file)