

*"No carelessness until there is a cure Wear mask,
follow physical distancing & maintain hand hygiene".*

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
M-Block , I.P. Estate (near ITO) Vikas Bhawan: New Delhi-2
Order under Para 2(B) of the PGC Resolution No. F.4/14/94-AR/dt. 25.9.97

Date of hearing: 11.02.2021

Complainant : Sh. Mohd. Iqbal Ahmad.

Respondent : The Chairman
Delhi Wakf Board
GNCT of Delhi, Daryaganj.

Grievance No. : PGC/2020/DWB/01

1. Brief facts of the complaint

- 1.1 Sh. Mohd. Iqbal Ahmad has filed a grievance petition before Public Grievances Commission against Delhi Wakf Board for forcefully evicting him from his property, Shop No.359, Matia Mahal, Jama Masjid, Delhi – 110006, as according to the Wakf Board, the complainant has illegally and unauthorizedly occupied the said property.
- 1.2 The complainant has enclosed copy of Notice dated 20.06.2007 from the Chief Executive Officer (Delhi Wakf Board) calling the complainant to remain present for hearing dated 02.07.2007 before the Auditor of the Wakf Board regarding why the complainant has illegally occupied the subject property and if no satisfactory reasons are furnished, then the Wakf Board has the right to evict the person from the property.

2. Facts emerged during the proceedings.

- 2.1 Sh. Ahsan Jamal, Legal Assistant, Delhi Waqf Board was present in the hearing and filed a Status Report dated 08.02.2021 and the same is taken on record stating that:-
"Property bearing Shop No.359, Matia Mahal, Jama Masjid, Delhi – 110006 is not a Wakf property nor there is any trace of registration of this property as per the information provided by the registration cell of Delhi Waqf Board. The record of the said property is not even mentioned in the Waqf directory nor the said property have ever been Gazetted by the Delhi Administration after the independence of India.
That, however, MPL No.359 Ward No.9, Chawri Bazar is a duly notified Wakf property which is also registered as well as mentioned in the Gazette of Delhi Administration dated 16.04.1970 (copy enclosed).
That it is sheer coincidence that complainant have received a notice dated 20.06.2007 which may have been sent due to above mentioned addresses which are almost identical and situated in Delhi – 110006. It is important to mention that the concluding para of the notice dated 20.06.2007 is for explanation and produce documentary evidence in respect of the property mentioned by complainant. However, since 2007, Delhi Waqf Board knowingly that the complainant property is not a Waqf property, have not

taken any coercive steps against the complainant for eviction under Section 54 of the Waqf Act, 1995.

However, it is pertinent to mention that there is a civil suit bearing C.S. No.8/2012 is pending before the Tis Hazari Court titled as "Mohd. Ashfaq v/s Mohd. Iqbal" whereby the plaintiff namely Mohd. Ashfaq have filed a suit for ejection/permanent injunction and recovery of damages/menses profit against Mohd. Iqbal/ complainant herein.

That in para 1 of above said civil suit, the plaintiff claims to be owner of the premises bearing no.359 with mezzaine floor, Matia Mahal, Jama Masjid, Delhi having been purchased by the virtue of registered sale deed dated 11.11.1999.

That the complainant does not have any right title of the said property and the said decree may be passed against him in the civil suit. Therefore, he want Delhi Waqf Board to implead as a party and to say that this property is a Waqf property.

It is also important to mention that there is a metter bearing ML No.08/20 is pending before the Hon'ble Waqf Tribunal titled as "Mohd. Amin V/s Delhi Waqf Board and another's" whereby, the same property is in the issue and Delhi Waqf Board in the written statement have clearly stated that Property **bearing MPL No.359, Matia Mahal, Delhi – 110006 is not a Waqf property.** In view of the above facts and circumstances, you are requested to reject complaint of the complainant and settle the issue that the said property alleged by the complainant is not a Waqf property so that further litigation may be avoided."

- 2.2 The complainant's daughter was present in the hearing and stated that the departmental officers refused to met them and despite showing many letters, RTI addressed to the department and other supporting documents, the department is not willing to verify their claim of subject property being a Waqf property.

3. Directions

- 3.1 The case stands disposed of as the departmental representative in their Status Report furnished during the hearing clearly stated that the complainant have already filed civil suit in Tis Hazari Court as well as Patiala House Court and the same is confirmed by the complainant's daughter present in the hearing. As the present grievance is already pending in legal forums, the same cannot be heard in the Commission anymore. However, if the complainant withdraw the civil suit from both the Courts, then he is free to approach the Commission for filing of his grievance in the present matter.

(SMT. MADHU SHARAN)
MEMBER (PGC)

No. PGC/2020/DWB/01

Dated:

Copy to:

1. The Chairman, Delhi Wakf Board, GNCT of Delhi, 5028, Dariyaganj, near Shroff Eye Hospital, New Delhi-110 002.
2. Sh. Mohd. Iqbal Ahmad