



CWP-16806-1998(O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-16806-1998 (O&M)

Date of Decision: 07.08.2025

KANWAR BHARAT INDER SINGH

...Petitioner

Vs.

FINANCIAL COMMISSIONER PUNJAB & ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Amit Jain, Senior Advocate with
Mr. Anupam Mathur, Advocate

Mr. Aman Dhir, DAG Punjab

Mr. Sandeep Punchhi, Advocate for respondent No.5

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking quashing of impugned orders 24.12.1996 (Annexure P-3) and 20.05.1998 (Annexure P-4)

2. On 12.11.2024, this Court has passed the following order:-

“Mr. Amit Jain, Senior Advocate submits that it is factually incorrect that land in dispute is being used for Muslim Graveyard. The petitioner is in possession of the land and is using it for cultivation. The respondent-Wakf is relying upon notification dated 09.12.1989 issued by Wakf Board. The dispute with respect to ownership, possession and utilization of land in question can be adjudicated by Tribunal constituted under Wakf Act, 1995. The Financial Commissioner (Appeals) has set aside orders passed by Assistant Collector and Collector. While setting aside orders passed by authorities below, the Financial Commissioner has held that dispute relating to Wakf can be adjudicated by Tribunal and not Civil Court. The



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petitioner is also claiming that dispute with respect to Wakf or deemed Wakf can be adjudicated by the Tribunal whereas revenue authorities have adjudicated claim of the respondent-Wakf.

Mr. Deepanshu Sharma, Advocate for respondent No.5 seeks time to address the arguments

Adjourned to 10.12.2024.

It is made clear that no further adjournment shall be granted.”

3. Learned counsel for the parties are *ad idem* that the matter with respect to ownership of the land in question needs to be adjudicated by Tribunal constituted under the Wakf Act, 1995.

4. Learned senior counsel for the petitioners submits that petitioners are in possession of the land in question and their possession may be protected till the adjudication of issue by the Tribunal.

5. In the wake of statement of all the parties, the petition stands disposed of with a direction to State Government to put up the matter before the Tribunal which at the first instance would consider question of interim stay and thereafter, proceed further. Till the adjudication of interim prayer by the Tribunal, the right of petitioner would remain protected. The parties would be notified first date of hearing by Tribunal.

6. Pending application(s), if any stands disposed of.

**(JAGMOHAN BANSAL)
JUDGE**

07.08.2025

Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No