



\$~103

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

+ **W.P.(C) 18525/2025 and CM APPL.76834/2025**

SYED MEHARAJ MIYA

.....Petitioner

Through: Mr. Shadan Farasat, Sr. Adv.
alongwith Mr. Chayan Sarkar, Mr.
Shailendra Kumar and Ms. Arshnit
Sandhu, Advocates.

versus

**UNION OF INDIA THROUGH
THE MINISTRY OF MINORITY AFFAIRS & ORS.**

.....Respondents

Through: Mr. Amit Tiwari, CGSC alongwith
Mr. Prakash A., Ms. Ayushi and Mr.
Ayush Tanwar, Advocates for UoI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

08.12.2025

%

1. The present petition has been filed by the petitioner being aggrieved by the removal notice dated 22.11.2025 issued by the respondent no. 2. The said notice reads as under:

*“Office of the Nazim, Dargah Khawaja Saheb, Ajmer
Ministry of Minority Affairs, Government of India, New Delhi
Division: Dargah Sharif*

Date: 22 November 2025

Regarding unauthorized, unapproved and illegal encroachments (such as cupboards, boxes, ranks, shops, carpets, flags etc.) in the Dargah premises, Dargah Khwaja Saheb, Ajmer, it is directed that in order to ensure security, management and convenient arrangements and worship of the pilgrims in the Dargah Sharif, as per the instructions of the Ministry of Minority Affairs, State Government and District Administration, all such unauthorized, unapproved and illegal encroachments should be removed by 27th November 2025 (Thursday).

Otherwise, such permanent or temporary encroachments will be removed without prior notice by the Dargah Committee, in cooperation with the



district administration and police. Furthermore, legal action will also be taken as per the rules, depending on the situation and the need.

Digitally signed by Mohammad Belal Khan”

2. Learned senior counsel for the petitioner has primarily raised two grievances. Firstly, it is contended that sweeping administrative actions, which infringe upon the fundamental rights of a large section of persons engaged/acting in different capacities in the Dargah, are being taken unilaterally by the Nazim, which is in contravention with the statutory scheme of the Dargah Khawaja Sahib Act, 1955 (hereinafter “*the Act, 1955*”). It is contended that in terms of the statutory provisions, all administrative powers are vested exclusively in the Dargah Committee, and not the Nazim.
3. Secondly, it is contended that the impugned actions have been undertaken in complete disregard of the principles of natural justice, without even affording an opportunity of hearing to the affected persons.
4. Let reply be filed within a period of 4 weeks from today. Rejoinder thereto, if any, be filed within a period of 4 weeks thereafter.
5. After some hearing, the following interim directions are issued:
 - (i) The respondent no. 1 shall expedite the formation of the Dargah Committee as contemplated under the Act, 1955, *inter alia*, under Sections 4 and 5 thereof. Let the same be done as expeditiously as possible to obviate the present state of affairs.
 - (ii) Before taking any precipitative action on the basis of the impugned order/notice dated 22.11.2025, the principles of natural justice shall be adhered to, and a specific show cause notice, followed by an opportunity of hearing and a reasoned order, shall be issued by



the respondent no. 1, *qua* each party against whom action is proposed to be taken.

6. List for further consideration on 23.02.2026.

SACHIN DATTA, J

DECEMBER 8, 2025/at