

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No.2985/2012

DELHI WAKF BOARD

APPELLANT

VERSUS

HIRA SINGH (D) THR. LR.

RESPONDENT

O R D E R

1. The appellant i.e., the Delhi Wakf Board, filed a suit claiming possession of the suit property i.e., Khasra No.6120/403, Village Oldenpur, Shahdra, Delhi. The respondent herein, defendant in the suit, resisted the same on the ground that the place is being used as a 'Gurudwara' a religious place since the year 1955-56. The Trial Court vide judgment and decree dated 25.10.1982 in Suit No.229/80, decreed the suit in favour of the plaintiff, directing the defendant to hand-over the possession of the suit property. Such findings of fact stood affirmed by the appellate Court in terms of a judgment and decree dated 4.2.1989 in R.C.A. No.1 of 1987.

2. Aggrieved thereby, the defendant preferred an appeal being RSA No.53 of 1989 before the High Court of Delhi, which was admitted on the following substantial questions of law:-

“(1) Whether it was necessary for the appellant/defendant who was admittedly a third party and not connected with the alleged “Waqf”

to file a suit for challenging the validity of the notification of Gazette dated 31.12.1970 and 18.5.1978 exhibits P/2 and P/3 publishing the disputed property as public Waqf, within one year of the dates of notification?

(2) Whether the limitation for the instant suit stood extended by virtue of the notification Ex.P/5 of the Central Govt. made with reference to Sec. 3 of the Public Waqf (Extension of Limitation Act, 1959) upto 31st December, 1980, even though the appellant/defendant came into illegal possession in 1955-56?

(3) Whether the property in dispute was public Waqf and not a private Mosque, on the interpretation of the revenue records and especially the Jamabandi of the year 1943-44 Ex.P-6 and Plan Ex.P/7?

(4) Whether the appellant/defendant has acquired title to the property in dispute by constructing and converting it into a gurudwara since 1955-56 by way of adverse possession?

3. The High Court, while answering the aforesaid questions in favour of the defendant reversed the findings of fact returned by the courts below.

4. Having perused the impugned judgment we are of the considered view that no case for interference is made out for we do not find the findings of fact or law arrived at, by the High Court, to be perverse or erroneous in any manner.

5. Based on the evidence, ocular and documentary, the High Court held the property in question to be a private property wherein, as per the ocular version of PW-3, the property was put to religious use, i.e., as a Gurudwara, since partition, i.e., 1947. No evidence was led by the plaintiff establishing that the property was a Wakf property or put to use for such purpose. It

was private a property. None came forward to depose that a Wakf in relation to the said property was ever created; established; or put to use as such. To put it simply, it is a private property, abandoned by the erstwhile owners, occupied by the defendant and put to use for a religious purpose with the plaintiff having no right therein. In this view of the matter, it cannot be said that the property would fall within the definition of Section 3(1) of Delhi Wakf Act, 1954 as a Wakf property.

6. For the aforesaid reasons the appeal stands disposed of.

7. Pending application(s), if any, shall stand disposed of.

.....J.
[SANJAY KAROL]

.....J.
[SATISH CHANDRA SHARMA]

NEW DELHI;
June 04th, 2025.

ITEM NO.105

COURT NO.3

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.2985/2012

DELHI WAKF BOARD

Appellant

VERSUS

HIRA SINGH (D) THR.LR.

Respondent

Date : 04-06-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Appellant(s) : Mr. Sanjoy Ghose, Sr. Adv.
Ms. Farhat Jahan Rehmani, AOR
Mr. Mohit Garg, Adv.
Ms. Bahiste Jahan, Adv.

For Respondent(s) : Mr. Rajinder Mathur, AOR

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

1. The appeal is disposed of in terms of the signed order.
2. Pending application(s), if any, shall stand disposed of.

(RASHMI DHYANI PANT)
ASTT. REGISTRAR-cum-PS

(NIDHI MATHUR)
COURT MASTER (NSH)

(signed order is placed on the file)