
(2005) 02 DEL CK 0141
In the Delhi High Court
Case No : LPA 872 of 2004

Anjuman Falah-E-Millat

APPELLANT

Vs

Delhi Wakf Board and Others

RESPONDENT

Date of Decision : 22-02-2005

Acts Referred:

Citation : (2005) 02 DEL CK 0141

Hon'ble Judges : B.C. Patel, C.J.;Sanjay Kishan Kaul, J

Bench : Division Bench

Advocate : A.J. Khan, for the Appellant; Mini Pushkarna and Avnish Ahlawat, for respondents 5 and 6, for the Respondent

Final Decision : Dismissed

Judgement

B.C. Patel, C.J.—This appeal is preferred against the judgment dated 6.8.2004 of the learned single Judge in WP(C) No. 8598 of 2003. The main grievance of the appellant before the learned single Judge was that there was unauthorised construction at the mosque know as Masjid Nahar Khalasi, Gurmandi, Delhi. Show cause notice was issued in the writ petition. Thereafter, the Municipal Corporation of Delhi placed on record an affidavit pointing out that the property in question does not belong to the Corporation and it belongs to the Delhi Wakf Board. It was further stated that the property in question is a very old one and no construction has been carried out in the recent past.

2. It is required to be noted that no reply was filed by the appellant herein to the affidavit filed by the Corporation till the date of the order i.e. 6.8.2004, though the affidavit was filed in February 2004 As no reply was filed to the Corporations affidavit, Therefore, the learned single Judge accepted the said affidavit for arriving at the conclusion that there was no unauthorised construction.

4. After the judgment was dictated, learned counsel for the appellant submitted that there was no direction given by the learned single Judge to file a reply to the Corporation's affidavit. If the counsel is not aware that he had to file a reply to

the said affidavit, then this Court cannot help him.

3. We find no infirmity in the impugned judgment. The appeal is accordingly dismissed.