

(2021) 12 UK CK 0003

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2505 Of 2021

Gulzar

APPELLANT

Vs

Uttarakhand Waqf Board & Others

RESPONDENT

Date of Decision : 01-12-2021

Acts Referred:

Waqf Properties Lease Rules, 2014 — Rule 6, 18(2)

Citation : (2021) 12 UK CK 0003

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Aditya Singh, Nishat Intezar, T.A. Khan, Ravi Shankar Kandpal

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. In the year 2019, respondent no. 2 had invited applications from persons interested in taking the shops belonging to Waqf Dargah Piran Kaliyar Shariff, Roorkee on lease. Petitioner's offer of lease rent was found to be the highest in respect of shop no. 2, therefore, he was allotted the said shop. Petitioner was handed over possession of the said shop on 15.07.2020. The term of the lease was 11 months.

2. It is not in dispute that term of petitioner's tenancy was extended for about two months i.e. the period during which Dargah Piran Kaliyar Shariff remained closed on account of pandemic caused by COVID-19. Term of petitioner's tenancy has now come to an end.

3. Petitioner's complaint is that he has been dispossessed from the shop in question without initiating the process of its allotment.

4. Petitioner has relied upon Rule 18(2) of The Waqf Properties Lease Rules, 2014, which confers a right upon the present lessee to match the highest bid, made as lease rent, by any bidder. Rule 18 (2) relied by the petitioner is

reproduced below:

"18. Renewal of lease.-

(1)

(2) The Board shall, while renewing the lease, give preference to the present lessee if such lessee participates in the bid and matches the highest bid:"

5. Mrs. Nishat Intezar, learned counsel appearing for respondent no. 1 and Mr. T.A. Khan, learned Senior Advocate appearing for respondent nos. 2 & 3 submit that petitioner has not paid any amount as rent after 14.09.2021; although, he had offered to pay rent in his representation dated 19.11.2021. They further submit that bids will have to be invited in terms of Rule 6 of the aforesaid Rules from persons desirous of taking property on lease and at least two weeks' time would be given to the prospective bidders. They further submit that petitioner will be given benefit of Rule 18(2) of the aforesaid Rules, namely, to match the highest bid, if his bid is not found to be the highest one.

6. Accordingly, the writ petition is disposed of by taking the statement made by learned counsel for the respondents, on record. This Court hopes & expects that process for allotment of the shops in question shall be completed within three weeks from today.