(1982) 07 P&H CK 0021

In the Punjab And Haryana At Chandigarh

Case No : Regular Second Appeal No. 1348 of 1979

Punjab Wakf Board APPELLANT

Vs

Mohan Singh and others RESPONDENT

Date of Decision : 13-07-1982

Acts Referred:

Citation : (1982) PLJ 343 : (1984) RRR 485

Hon'ble Judges : G.C.Mital, J

Advocate : Mr. S.S. Mahajan, Advocate., Advocates for appearing Parties

Judgement

G. C. Mital, J.

1. The only point involved in this second appeal is whether the property in dispute is proved to be Wakf property owned by the Punjab Wakf Board. Both the Courts below have recorded concurrent findings that it has not been proved that the property in dispute was Wakf either by dedication or by user. The counsel for the Punjab Wakf Board, however, relies on Exhibits P1 and P2 which are copies of Survey Register and Notification issued under Section 5 of the Wakf Act, 1954, wherein the property in dispute is recorded as Imambara and the nature of its object is recorded as religious. It has been ruled in Cheedella Kolaiah v. Wakf Board Andhra Pradesh, Hyderabad and others, A.I.R. 1978 Andhra Pradesh 34, and Abdul Kareem and others v. The Special Officer for Wakfs, Madras and others, A.I.R. 1972 Madras 8, that any such notification would not bind a third person and qua third person it will have to be proved by the Punjab Wakf Board that the property in dispute was either dedicated or was used for religious and charitable purposes. In this case, no evidence has been brought on the record if the property was ever dedicated or used for such purposes.

2. Moreover, what I find from the record is that the property vested in the Custodian and thereafter it was allotted to respondent No. 1 as a custodian property for his rehabilitation. The act of the Rehabilitation Department cannot be challenged before a civil Court in view of the decision of the Supreme Court in Custodian Evacuee Property Punjab and others v. Jafran Begum, 1968 P.L.R. 1.

3. For the reasons recorded above, this appeal is dismissed, but without any order as to costs.

