



HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 12586 of 2026

Mohammad Tanveer Ahmad

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Birendra Kumar, Himanshu Dubey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 9

HON'BLE ROHIT RANJAN AGARWAL, J.

1. Heard Sri Ashish Kumar Singh, learned Senior Counsel, assisted by Sri Himanshu Dubey, learned counsel for petitioner and Sri Manish Goyal, learned Additional Advocate General, assisted by Dr. Rajeshwar Tripathi, learned CSC, Sri Manoj Kumar Singh, learned CSC and Sri Sanjay Kumar Singh, learned ACSC, for the State.

2. It is contended by learned Senior Counsel appearing for petitioner that in proceedings initiated under Section 5 of The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 petitioner had filed written statement objecting to the fact that the mosque exists on the land in dispute and he is in possession for more than hundred years. On 16.7.2026 City Magistrate, Saharanpur had passed an order of eviction and imposed damages of Rs. 6,41,65,500/-. Aggrieved by the said order a Misc. Civil Appeal No. 108 of 2026 was preferred before the District Judge, Saharanpur, which was dismissed on 2.9.2026.

3. According to Senior Counsel the State was in a hurry in demolishing the mosque and within three days from the date of passing order of eviction the mosque was demolished. According to him, the original owner of the land on which the said mosque exists was Yaqub Khan and Wahid Khan and the land is being used as waqf by the users. According to him both the courts below have not considered the said fact and had recorded a finding against the petitioner.

4. Sri Manish Goyal, learned AAG, submitted that the property in

question was recorded as Kutchery/Collectorate. He further contended that there is contradiction in the written statement filed by petitioner as on one hand he claimed that original landlord was Yaqub Khan and Wahid Khan but there is no mention of the fact as to when the property in question was dedicated as waqf, nor waqf deed has been brought on record. According to him the landlords have not come before the court below to claim the property in question. He further submitted that a post-office is running over the land in dispute and eviction proceeding was initiated on the ground that after taking rooms on rent the mosque was constructed and namaz was being offered.

5. Matter requires consideration of this Court.

6. Issue notice to respondent no. 2.

7. Let a counter affidavit be filed by the State within three weeks. One week time, thereafter, is allowed for filing of rejoinder affidavit.

8. Put up, as fresh, on 12.10.2026.

9. Till the next date of listing, the realization of damages imposed by the City Magistrate, Saharanpur vide order dated 16.7.2026 shall remain stayed.

(Rohit Ranjan Agarwal,J.)

September 11, 2026

Shekhar