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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8988/2023

DELHI WAQF BOARD

..... Petitioner

Through: Mr. Wajeeh Shafia, Standing
Counsel with Ms. Ramsha Shan,
Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR. Respondents

Through: Mr. Harsha Peechara, Additional
Standing Counsel with Mr.
Mananjay Mishra, Assistant
Standing Counsel with Ms.
Harshita Gupta & Mr. Shubham
Kumar Mishra, Advocates for
R-1/NDMC.
Mr. Avishkar Singhvi, Mr. Naved
Ahmed & Mr. Vivek Kumar,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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07.07.2023

CM APPL. 34085/2023(*Exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 8988/2023 & CM APPL. 34086/2023(*Application for ad
interim relief*)

1. Issue notice. Mr. Harsha Peechara, learned Additional Standing
Counsel, accepts notice on behalf of respondent No.1-New Delhi

Municipal Council [“NDMC”]. Mr. Avishkar Singhvi, learned counsel, accepts notice on behalf of respondent No. 2.

2. The Delhi Waqf Board, a statutory authority, has filed the present writ petition in anticipation of action proposed to be taken by the respondent authority in respect of a mosque situated at *Sunehri Bagh Road* roundabout. The cause of action for filing of the petition is a notice dated 27.06.2023 sent by the NDMC, fixing a joint inspection on 28.06.2023 at 3:00 PM. The petitioner was one of the authorities which was requested to attend the joint inspection. NDMC *inter alia* referred to a letter dated 26.06.2023 received from the Additional Commissioner of Police, Traffic, requesting it to examine the feasibility of realignment or redesigning of the roundabout or invoking of any other suitable traffic engineering interventions to maintain smooth and safe flow of traffic in the area.

3. One of the averments of the petitioner is that it was unable to attend the joint inspection as the communication was received by the concerned officer only after the time of inspection.

4. At this stage, learned counsel for the parties agree that a further inspection may be carried out in the presence of the representatives of the petitioner so that the petitioner’s views can also be taken into account.

5. The parties are directed to hold a joint inspection on 12.07.2023 at 3:00 PM and may also fix any further inspection as deemed necessary. The NDMC is at liberty to give notice of the proposed inspection to any other authority as it may consider necessary.

6. The respondents will file replies to the petition and the necessary record before this Court within a period of two weeks. The NDMC will

also place on record the report of the joint inspection, alongwith its reply.

7. *Status quo* be maintained in respect of the property in question until the next date of hearing.

8. List on 14.08.2023.

9. A copy of the order be given *dasti* under the signature of the Court Master.

PRATEEK JALAN, J

JULY 7, 2023

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