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

+ **W.P.(C) 8988/2023 and CM APPL. 34086/2023**

DELHI WAQF BOARD

..... Petitioner

Through: Mr. Sanjay Ghosh, Sr. Advocate with  
Ms. Farhat Jahan Rehmani, Mr. Firoz  
Iqbal Khan, Mr. Imran Ahmed, Mr.  
Shad and Mr. Saif Khan, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR. .... Respondents

Through: Mr. Chetan Sharma, ASG with Mr.  
Sriharsha Peechara, SC along with  
Mr. Kirtiman Singh, CGSC along  
with Mr. Mananjay Mishra, Ms.  
Harshita Gupta and Mr. Shubham  
Mishra, Advocates.

Mr. R. N. Singh, Director  
Enforcement, NDMC with Mr.  
Devender Singh, Dy. Director  
Enforcement, NDMC.

Mr. Avishkar Singhvi, Mr. Naved  
Ahmed, Mr. Vivek Kumar and Mr.  
Deokinandan Sharma, Advocates for  
R-2.

Mr. Sanjay Jain, Sr. Advocate for R-2  
with Mr. Karn Bhardwaj, ASC with  
Mr. Chander Kumar Singh, DCP  
Traffic H.Q. with ASI Devender  
Singh, Pairvi Officer Traffic.

Mr. Anil Soni, CGSC with Mr.  
Devvrat Yadav, Advocates for UoI.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**



**ORDER**  
**18.12.2023**

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1. The petitioner in the instant writ petition has prayed for the following relief:

*“a) Issue a Writ of Prohibition or any other suitable Writ, Order or Direction thereby restraining the respondent no.1 from causing any harm to the mosque under reference, i.e., the mosque at Sunehri Bagh Road roundabout, duly notified in the Delhi Administration’s Official Gazette dated 16.04.1970 at page no. 308, serial no. 18;”*

2. Learned senior counsel appearing on behalf of the petitioner points out that *vide* order dated 07.07.2023, while issuing notice to the respondents, this court directed for maintenance of *status quo* with respect to the property in question. He further submits that the interim order, thereafter, has been extended from time to time which remained in force till date. According to him, the parties were directed to hold the joint inspection of the property in question on 12.07.2023 at 03:00 pm and a subsequent date was directed to be decided by the parties for further inspection, if necessary.

3. For the sake of clarity, the Order dated 07.07.2023 is reproduced as under:-

*“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."*

4. It be noted that the primary gravamen of the petitioner at the time of filing of the petition was with respect to the conduction of joint inspection in absence of the petitioner. It is seen that subsequently, in pursuance of the aforesaid order, a joint inspection was carried out in presence of the parties on 12.07.2023 at 3:00 PM and a report was also prepared therein.

5. Therefore, it is rightly submitted by the learned counsel appearing on behalf of the parties that in terms of the order passed by this court, certain deliberations had taken place between the parties and even the inspection has been carried out in the presence of the respective parties.

6. Learned senior counsel appearing on behalf of the petitioner, at this



stage, submits that the petitioner apprehends that the respondents may take action *dehors* the legal position. According to him, the petitioner be protected from such an arbitrary or illegal action.

7. Learned ASG vehemently opposes the submissions and on instructions, he submits that there is no foundation laid by the petitioner to apprehend that the respondents would act in contravention of the legal position. According to him, if the respondents intend to take any action, they are bound to follow the extant regulations and also the applicable order with respect to the property in question.

8. Since the parties have largely agreed on the aforesaid issues, therefore, at this stage, this court is not required to adjudicate the prayer any more. Accordingly, the petition stands disposed of alongwith pending application.

9. The parties are directed to be bound by the undertaking(s) recorded hereinabove.

**PURUSHAINDR KUMAR KAURAV, J**  
**DECEMBER 18, 2023/p**