



Non-Reportable

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal Nos.9169-9170 of 2013

Punjab Wakf Board

...Appellant (s)

Versus

**Director Rural Development
And Panchayats & Ors.**

...Respondent (s)

ORDER

The question arising in appeals is as to the determination of the title of the land in dispute, whether the title be with the Gram Panchayat or Punjab Wakf Board.

2. The High Court found that the matter is in the exclusive jurisdiction of the Collector under Section 11 of the Punjab Village Common Lands (Regulation) Act 1961¹. The 4th respondent in the appeal, who claims to be the tenant of the Wakf Board, prayed for the orders of ejectment passed by the District Development & Panchayat Officer and the Director Rural Development & Panchayat, to be kept in

¹ Hereinafter referred to as 'the Regulation Act of 1961'

abeyance. It was directed that the tenant would deposit a sum of Rs.10,000/- per acre for use and occupation of the land in dispute, while the matter is pending. Before this Court, there was a *status quo* order passed with respect to the property.

3. The High Court found the jurisdiction on the Collector under Section 11 of the Regulation Act, which reads as under:-

“Notwithstanding anything contained in the Punjab Pre-emption Act, 1913, no sale of land in shamilat deh made by a Panchayat shall be pre-emptible and no decree of preemption in respect of any such sale shall be executed after the commencement of this Act.”

4. Section 13 also barred the jurisdiction of Civil Courts.

5. The question arising herein is as to whether the land is wakf or not, in which circumstance, the determination has to concede to the procedure prescribed under the Wakf Act, 1995.

6. Section 6 of the Wakf Act, 1995, provides that any question arising, whether a particular property specified as wakf property in the list of wakf, is a wakf property or not, may be determined by a suit instituted in the Tribunal for the decision on the question and the decision of the Tribunal in respect of such matter shall be final. The suit can be instituted

by the Board or the Mutawalli of the Wakf or any aggrieved person. Section 6(5) provides that on and from the commencement of this Act in a State, no suit or other legal proceeding shall be instituted or commenced in a court in that State, in relation to any question referred to in subsection (1). Section 6 also provides that after the commencement of the Wakf Act, any question or dispute arising, as to whether a particular property specified as a wakf property in a list of wakf, is a wakf property or not, an application can be made to the Tribunal having jurisdiction in relation to such property, for a decision on the question and the decision of the Tribunal shall be final.

7. Section 85 of the Wakf Act too provides a bar of jurisdiction of Civil Courts and also of a Revenue Court and any other authority in respect of any dispute, question or other matter relating to any wakf property or other matter which is required by or under the Wakf Act, to be determined by the Tribunal. Hence, the jurisdiction conferred on the Collector by the Regulation Act of 1961 stands ousted, if the dispute arises with respect to a wakf property included in the list of wakf.

8. The definition of list of wakf, as amended in 2013, not only takes in the list of wakf published under Section 5(2) but also those contained in the register of wakf maintained under Section 37 by Clause (g) of Section 2. Reference can also be made to the decision of a co-ordinate bench of this Court in ***Habib Alladin and Others v. Mohammed Ahmed***².

9. The appellant herein has produced a notification issued by the State Government dated 19.09.1970, by which the subject property is included in the 'List of Sunni Wakfs existing in the composite Punjab State under Section 5(2) of the Central Government Wakf Act, 1954, read with Rule 4 of the Punjab Wakf Rules, 1964'. The matter is, hence, to be agitated before a Wakf Tribunal.

10. The impugned judgment is set aside, and the matter is directed to be referred to a Tribunal.

11. The parties, either of them, can approach the Tribunal for consideration of the dispute as to whether the property is wakf or not and the Tribunal shall definitely look into the notification and ascertain that the property in dispute is, in

² 2026 SCC OnLine SC 119

fact, included therein, before proceeding with such adjudication. If the property is not so included in the wakf, then necessarily it would have to be considered by the Collector under the Regulation Act of 1961, since then the consideration would be as to whether it is a *Shamilat Deh* land, for which consideration also, the Civil Court's jurisdiction is ousted by the Regulation Act of 1961.

12. With the above directions, the appeals are allowed.

13. Pending application(s), if any, shall stand disposed of.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
AUGUST 19, 2026.**