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Why 1k waqf properties not vacated, HC asks govt

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New Delhi: Why are nearly 1,000 waqf properties not being vacated despite court orders against encroachments? The Delhi high court on Wednesday tossed the query on the Aam Aadmi Party government and issued notice to its revenue secretary, giving him four weeks' time to explain.

A bench of Chief Justice G Rohini and Justice Jayant Nath acted on a plea seeking directions to enforce eviction orders already passed and awaiting enforcement for the past several years.

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directing it to answer as to why it is unable to get these properties vacated. The court also wondered why waqf laws have been framed in the first place if there is no inclination to enforce them.

On its part, the Waqf Board opposed the PIL arguing that it will get its properties vacated eventually. It argued that a court order is not required for evicting those in unauthorized possession and the board is in the process of creating a waqf tribunal.

In his PIL, advocate Shahid Ali cited nearly 1,000 waqf properties where courts have ordered that illegal and unauthorized occupations should be vacated under Section 54 of the Waqf Act, 1995. But, the concerned sub-divisional magistrates (SDM) have failed to enforce such orders. Ali added that between 2006 and 2013, on different dates, the SDMs were requested to get the properties vacated, through police circle officers. Earlier, these officers had the power to get the properties vacated, but through an amendment in 2013 in the Waqf Act, this right was transferred to the waqf tribunal, he informed the court.

