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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CR-1812-2014 (O&M)

Reserved on: 06.11.2024

Date of Decision : 21.11.2024

GRAM PANCHAYAT OF VILLAGE BUDHO PUNDHER

...Petitioner

V/S

PUNJAB WAKF BOARD AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR  
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present : Mr. Satinder Khanna, Advocate  
for the petitioner.

Mr. G.N. Malik, Advocate for respondent No.1.

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**SURESHWAR THAKUR, J.**

1. Through the instant civil revision the petitioner seeks the quashing and setting aside of the impugned judgment and decree dated 25.11.2013, passed by Addl. District Judge (Tribunal Constituted under Section 83 of the Wakf Act, 1995), Kapurthala, (hereinafter referred to as 'the Tribunal') whereby, the learned Tribunal accepted the suit for declaration and permanent injunction and the defendant No.1 therein (petitioner herein) was restrained from interfering into the peaceful possession of the plaintiff over the property, in dispute illegally and forcibly.

**Facts of the case**

2. The Punjab Wakf Board instituted a suit for declaration and permanent injunction to the effect that Punjab Wakf Board is the owner of the property in dispute and is in possession through its tenants and suit for



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permanent injunction restraining defendant No.1 (petitioner herein) from interfering illegally and forcibly.

3. The said suit decreed vide impugned judgment dated 25.11.2013, for declaration and permanent injunction and the defendant No.1 (petitioner herein) was restrained from interfering into the peaceful possession of the plaintiff over the property, in dispute illegally and forcibly.

4. The question of law which requires determination relates to the jurisdiction of the Additional Commissioner to make Annexure A-1, besides relates to whether the jurisdictional competence became vested in the Tribunal constituted under Section 3 of the Wakf Act, 1995.

5. The dispute relates to the purported illegal occupation being made of the suit property which has been declared in Ex.P-4 as became referred in the judgment passed by the Tribunal concerned, as Takia, graveyard and the Masjid, and the said was donated by Maharaja Kapurthala. In consequence, to the said entry vide notification dated 11.09.1971, the disputed property was given to the Wakf Board. The said notification is referred in the verdict drawn by the Tribunal as Ex.P-3.

6. The aggrieved filed an application for correction of the (supra) entries before the Revenue Authorities concerned, but their application as well as their appeal became dismissed. The said dismissal orders become referred in the verdict drawn by the Tribunal concerned, respectively as Ex.R-2 and as R-3. In the verdict of the Tribunal an unrefuted observation occurs that the Gram Panchayat had admitted that the property in dispute was given by the Maharaja Sahib, Kapurthala to Nikke Sha, Slamata Sha sons of Sube Shah on 14 Katak 1922. Furthermore, an unrefuted observation also occurs therein that both the (supra) on the happening of the partition of



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India, migrated to Pakistan. Subsequently, the land was mutated in the name of the Gram Panchayat. However, after partition a re-survey was conducted in the year 1966, and the apposite Misl Haqiat referred to as Ex.P4 in the verdict drawn by the Tribunal concerned, became prepared wherebys in the ownership column the State was declared to be the owner, whereas, in the relevant classification column the property was described as Maszid, graveyard and Takia.

7. The (supra) revenue entry describing the disputed property as Gair Mumkin Maszid, Takia as well as graveyard, resulted in the Wakf Tribunal, thus passing the impugned judgment.

8. The impugned judgment is grooved in the verdict made by the Apex Court in case titled as **Syed Mohd. Salie Labbai (dead) by LRs and others V. Mohd. Hanifa (dead) by LRs and others**, and to which Civil Appeal Nos.1223-1224, and Civil Appeal No.2026 of 1968 becomes assigned.

9. The rules underlined therein for determination whether a graveyard is a public or a private one become extracted hereinafter.

*“We are of the view that once a Kabarstan has been held to be a public graveyard then it vests in the public and constitutes a wakf and it cannot be divested by non-user but will always continue to be so whether it is used or not.*

*The following rules in order to determine whether a graveyard is a public or a private one may be stated:*

*(1) that even though there may be no direct evidence of dedication to the public, it may be presumed to be a public graveyard by immemorial user i.e. where corpses of the members of the Mahomedan community have been buried in a particular graveyard for a large number of years without any objection from the owner. The fact that the owner permits such burials will not make any difference at all;*



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*(2) that if the grave-yard is a private a family grave-yard then it should contain the graves of only the founder, the members of his family or his descendants and no others. Once even in a family grave-yard members of the public are allowed to bury their dead, the private grave-yard sheds its character and becomes a public grave-yard;*

*(3) that in order to prove that a grave-yard is public by dedication it must be shown by multiplying instances of the character, nature and extent of the burials from time to time. In other words, there should be evidence to show that a large number of members of the Mahomedan community had buried their corpses from time to time in the grave-yard. Once this is proved, the Court will presume that the grave-yard is a public one; and*

*(4) that where a burial ground is mentioned as a public grave-yard in either a revenue or historical papers that would be a conclusive proof to show the public character of the grave-yard.”*

*(5) In addition, whether the said conclusivity of proof qua the existence of a grave-yard on the petition lands, did curtail, and, fetter the rights, if any, of the panchayat(s) concerned, to yet lawfully permit its user for some other purpose, given in the relevant column of ownership, the land(s) being described as Shamilat Deh ?*

*(6) Whether in the face of the apposite notifications declaring the petition property, as Wakf property(ies), thus there was a complete ouster of jurisdiction of the Collector concerned, under the Punjab Act, and/or concomitantly whether the Wakf Tribunal concerned, alone held the jurisdictional competence to decide the controversy inter se the litigants concerned ?”*

10. Be that as it may, it is required to be determined whether in the face of the verdict made by Hon’ble Apex Court in case **Syed Mohd. Salie Labbai (dead) by LRs and others V. Mohd. Hanifa (dead) by LRs and others**, thus the revenue entry (supra) makes the disputed property to be of a public character, whereby it concomitantly becomes a Wakf property, besides as a corollary thereto the jurisdictional competence to decide the lis



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vested respectively in the Wakf Tribunal or in the Collector constituted under the Punjab Village Common Lands (Regulation) Act, 1961.

**Submissions of the learned counsel for the Gram Panchayat concerned.**

11. The learned counsel appearing for the Gram Panchayat concerned, has submitted with much vigour before this Court;

(i) That the verdict, as made by the Hon'ble Apex Court in ***Ranjit Singh versus State of Punjab 1965(1) SCR 82***, when carries an expostulation of law, qua with the Punjab Act, 1953, becoming enacted as a measure of agrarian reform, and, thus, receiving the protection of article 31(a) of the Constitution. Moreover, when it also becomes expostulated therein, that when consequently, it is made in pursuance to the Legislative powers, as ably exercised by the competent State Legislative Assembly, in respect of Entry No. 18 of the State List, thereupon the said enacted State law, is required to be given the fullest effect, as thus, it would cater to the needs of the village community, and, would also secure its welfare, besides hence the said enacted State law, inasmuch as, the Punjab Act, 1953 would hold precedence, and, prevalence over the Administration of Evacuee Property Act, 1950, and/or over the Wakf Act of 1954. Relevant paragraph thereof becomes extracted hereinafter.

***“Entry No. 18- Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonisation.”***

(ii) Therefore, he makes a consequent argument, that the Collector concerned, alone held the empowered jurisdiction to make a decision in respect of the lis at hand, and, that the exercise of jurisdiction by



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the Wakf Tribunal concerned, rather being untenable. Consequently, he has argued before this Court, that the Civil Revision Petition (supra), be dismissed on the above score. Contrarily, he submits that the verdict (Annexure A-1) recorded by the learned Addl. Commissioner concerned, thus be affirmed by this Court.

(iii) He further submits, that irrespective of an entry in the classification column of the relevant revenue records, rather unfolding, qua the lands becoming described therein, as **Takia, graveyard and Maszid**, but yet when in the relevant column of ownership, the land has been described as “Shamilat Deh”, or being owned by the Gram Panchayat concerned. Therefore, he also contends, that the jurisdiction to try the lis at hand, was solitarily vested in the authorities contemplated, in the Punjab Act of 1953, and, that the Punjab Wakf Tribunal was not vested with any jurisdiction over the petition properties.

(iv) The learned counsel for the Gram Panchayat concerned, makes a further submission, that since there is no inconsequentiality of entry of **Takia, graveyard and Maszid**, as assigned qua the petition land, thereby the issuance of notification(s) under Section 5 of the Act, also being rendered non est. The above argument is further rested, upon the factum, that prior to the issuance of the apposite notifications, no notice was served, upon the Gram Panchayat concerned. Therefore, when it became issued in violation of the principles of natural justice, thus, it has no force in the eyes of law.

(v) He also submits, that the above vice gripping the issuance of the apposite notification(s) rather makes the Civil Revision Petitions



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(supra), as directed against the verdict, made by the Punjab Wakf Tribunal, to be yet maintainable before this Court, reiteratedly as the said verdict is also non est.

**Submissions of the learned counsel for the Wakf Board**

12. The learned counsel appearing for the Wakf Board submits, with much force before this Court;

(i) That since the above entry, manifested itself in the misl hakiat drawn during the phase of settlement proceedings, being conducted in the mohal concerned, but with a corresponding entry (supra) in the column of classification. Therefore, on the strength of the said entry the learned counsel for the Wakf Board submits that in terms of a decision rendered by the Hon'ble Apex Court, rendered in *Syed Mohd. Salie Labbai's case (supra)*, wherein in clause (4) thereof, clause whereof becomes extracted hereinabove, the apposite thereto expostulation of law occurs. Consequently, he further submits, that since the revenue records relating to the petition lands, do vividly suggest, that they become classified as **Takia, graveyard and Maszid**. Thus, he submits, that when the judgment (supra) assigns conclusivity to the said entry, as such, the said entry would constitute conclusive proof qua hence on the petition land, a public graveyard existing. Therefore, he submits, that the above reflection in the relevant revenue records, is but imminently conclusive about truth of such an echoing, thereupon, the said situation was required to become ensured to be ever existing even on the site. Consequently, he submits, that the factual situation at the relevant site, was required to be perennially carrying consonance with the assigning of conclusivity,



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to an entry in the classification column of the relevant revenue records, rather declaring the petition lands as Takia, graveyard and Maszid. Thus, he submits, that the character, and, nature of the petition lands, was not required to be ever altered in any manner.

(ii) In consequence, the learned counsel further submits, that the clear, and, candid declaration(s), in the revenue entries qua the petition lands being classified, as Takia, graveyard and Maszid, and/or a graveyard, meant for the user of the Muslim community, rather existing thereons, do thereupon, rather make the said descriptions, as, assigned to the petition lands, to be conclusive proof. In other words, he submits, that with imminent conclusivity becoming assigned to the above revenue entries, thereupon, the said revenue entries can never be eroded, nor the prolonged purported non-user of the relevant site, for the relevant purpose, by the Muslim community, rather cannot capacitate the Gram Panchayat concerned, or the revenue authorities concerned, to through any mode, make an alteration of the said indefeasible conclusivity, assigned to the disputed lands. Thus, he submits that the column of ownership describing the petition land as 'shamlat deh' becomes eclipsed, by the said entry in the column of classification, as carried in the relevant revenue records.

(iii) The learned counsel for the Wakf Board also submits, before this Court, that since the relevant notifications, as issued under Section 5 of the Central Act of 1954, nomenclatured as the Wakf Act, are expostulated, in paragraph 14 of the judgment, rendered by the Hon'ble Apex Court, in ***Punjab Wakf Board versus Raj Rani (died) through LRs***, and, to which ***Civil Appeal No. 295 of 2005***, paragraph





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whereof extracted hereinafter, to render their issuance under Section 5 of the Wakf Act of 1954, conspicuously in the absence of any challenge being made thereto, to become hence clothed, through the mandate occurring in Section 81 of the Evidence Act, with an aura of presumption, with regard to their genuineness. Therefore, he submits, that there was no requirement of any notice being issued to the Gram Panchayat concerned, prior to the making of the said notification(s).

*“14. Admittedly, no one challenged the genuineness of the Notification whereby the suit property was declared as Wakf property at any stage of the proceeding. In the absence of such challenge, the Court shall have to draw presumption with regard to the genuineness of the Notification, as provided under Section 81 of the Evidence Act. Moreover, neither the first Appellate Court nor the High Court has considered and noticed the provisions of Section 5 of the Wakf Act, 1995 (Section 5 of the Old Wakf Act, 1954).”*

(iv) The learned counsel further submits, that the requirement of any notice being issued to the Gram Panchayat concerned, prior to the issuance of the said notifications, by the competent authority, through the exercising of powers under Section 5 of the Wakf Act, 1954, also did not ever become aroused. The reason which he assigns for the above, becomes hinged upon the factum, that since in the judgment, rendered by the Hon'ble Apex Court in *Syed Mohd. Salie Labbai's case (supra)*, rather the firmest conclusivity becomes assigned to the entry in the revenue records, rather reflecting the petition lands, as, **Takia, graveyard and Maszid**. Therefore, when the notifications, as issued under Section 5 of the Act, were in complete consonance thereto, thus no notice prior to the issuance of said notifications was



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required, besides reiteratedly the said notifications were unchallengable, as in the judgment made by the Hon'ble Apex Court in *Syed Mohd. Salie Labbai's case (supra)*, rather the firmest conclusivity has been assigned to the said revenue entry.

(v) The learned counsel furthers submit, that the Punjab Wakf Tribunal, alone held the jurisdiction to try the lis at hand, and, that the statutory authorities contemplated under the Punjab Act, 1953, were completely divested to either exercise jurisdiction or to make a valid decision, upon the controversy(ies) concerned.

**Reasons for accepting the submissions of the learned counsel for the Wakf Board, and, for rejecting the submissions of the learned counsel for Gram Panchayat concerned.**

13. For the reasons to be assigned hereinafter, this Court accepts the submissions, as addressed before this Court by the learned counsel for the Wakf Board, and, rejects the submissions, as addressed before this Court, by the learned counsel for the Gram Panchayat concerned.

14. Importantly, the centralized focus of the learned counsel for the Gram Panchayat concerned, is upon the verdict, as made by the Hon'ble Apex Court in *Gram Panchayat of village Jamalpur's case (supra)*.

15. On the basis of the above judgment, he makes an effort to deprive the exercising(s) of jurisdiction, by the Punjab Wakf Tribunal, upon the apposite controversy. Moreover, he also, on the basis of an entry of Shamilat Deh, or being owned by the Gram Panchayat concerned, occurring in the relevant revenue records, make an effort to make inconsequential, the entry in the column of classification, wherein, the petition lands, are classified as **Takia, graveyard and Maszid**. The above made effort is completely misfounded. The reason for making the above inference,



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becomes anchored upon the factum, that though in *Gram Panchayat of village Jamalpur's case (supra)*, the Hon'ble Apex Court had assigned precedence, and, prevalence to the Punjab Act, 1953, over the Administration of Evacuee Property Act, 1950. Therefore, it is but obvious, that the conflict in the above case or repugnancy in the above case arose, not in respect of exercising(s) of jurisdictions, respectively by the Wakf Board concerned, and/or by the statutory authorities concerned, as, contemplated in the Punjab Act, 1953.

16. Contrarily, the repugnancy which arose in the case (supra), squarely appertained qua the inter se jurisdictional competence of the Custodian under the Administration of Evacuee Property Act, 1950, and, the statutory authorities contemplated under the Punjab Act, 1953. Therefore, when the foundational matrix of the instant case, relates to the competing claims qua exercisings of jurisdiction rather by the authorities contemplated in the Punjab Act, 1953, and, by the statutory mechanism(s), created under the Central Law concerned, nomenclatured as the Wakf Act, 1954. Thus, but obviously the above extant controversy, is at the outset, completely contra-distinct, with the controversy which beset the Hon'ble Apex Court in *Gram Panchayat of village Jamalpur's case (supra)*. Resultantly, also the verdict (supra), as made by the Hon'ble Apex Court may not, to the fullest, hold any effect viz-a-viz the facts at hand.

17. Even if assuming the Punjab Act, 1953, has been declared in verdict (supra), to become enacted by the State Legislature, through the exercising of valid apposite Legislative competence, vested in it, through Entry No. 18, as carried in the State List, inasmuch as, it has been declared to be enacted as a measure of agrarian reform, and/or, to ensure the welfare



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of the village community. Moreover, though it has also been pronounced therein, that hence the said entry enjoys the protection of Article 31-A of the Constitution of India. Though, further it has also been held therein, that hence precedence is to be assigned to the State enacted law, over the apposite Central Law. However, the competing exercisings of jurisdiction in the case (supra) was not inter se the Wakf Tribunal, created under the Central Law, and/or, by the statutory authorities contemplated in the Punjab Act concerned. Moreover, the lands in the case (supra) were described in the relevant revenue records, as “Shamilat Deh” or being owned by the Gram Panchayat concerned.

18. However, the Hon'ble Apex Court, in verdict (supra) declared, that irrespective of the lands therein, being described as shamilat deh, in the relevant revenue records, but when there is a further entry therein, describing the lands as Hasab Rasad Khewat. Therefore, the latter entry conferred rights of cultivation in the cultivators concerned, but only in proportion to the other lands, which they own/owned in the mohal or village concerned. It appears that the Punjab Act, 1953 was, in the face of the above entries, assigned precedence over the Administration of Evacuee Property Act, 1950, and, the said assigning of precedence, does appear to become engendered from the factum, that with the happening of partition of the Country, in the year 1947, thus led the Muslims to migrate from India to Pakistan.

19. The Muslim migrants, in the said year, from India to Pakistan, in the garb of an entry of Hasab Rasad Khewat carried in the revenue records, through earlier to 1947, became statutorily vested with the right to hold cultivating possession of the lands concerned, but the said cultivating



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right of possession as held prior to 1953, rather became extinguished through the Punjab Act of 1953. Therefore, in other words, when otherwise in respect of the above described lands, they could, but after coming into force of the Punjab Act, 1953, hence save the vestment(s) of the said land(s), in the Panchayat concerned, but yet only when they were, prior to 1953, citizens of India, and/or, had not migrated to Pakistan, when the partition of the country, occurred after 1947. It appears that in case they did migrate to Pakistan, and, ceased to cultivate the lands as described in the revenue records, as Hasab Rasad Khewat. Resultantly, the effect of the cultivators concerned, ceasing to make cultivations of the lands, in the year 1947, obviously did not make such lands to become saved from vestment under the Punjab Act, 1953, as they did not fulfill the requisite condition(s) of theirs continuously, prior to 1950 or 1953, as the case may be, rather keep lawful cultivating possession of the lands concerned.

20. Therefore, it was held that the lands, described in the relevant revenue records as Hasab Rasad Khewat, or being owned by the Gram Panchayat concerned, and, which became cultivated by the Muslim community upto 1947, but on the happening of partition of the country, in the year 1947, rather with the Muslim cultivators concerned, leaving for Pakistan. Resultantly, the lands with the said descriptions, could not become capitalized, by the migrants from Pakistan to India, to either cultivate the said land or to save them from vestment in the Panchayat Deh, rather it became amenable for common user by the Panchayat deh, as then rather it became vested in the Panchayat deh. Moreover, it appears, that in the verdict (supra), the Hon'ble Apex Court, had chosen to assign jurisdictional competence to the custodian concerned, but only under the Evacuee Property



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Act, and, only in respect of those lands of the migrant Muslims from India to Pakistan, besides subject to the said lands not being entered in the revenue records as Hasab Rasad Khewat, and, also subject to the migrant Muslim community from India to Pakistan, hence not lawfully cultivating the said lands. In other words, the lands other than the lands, described in the relevant revenue records, as Hasab Rasad Khewat, were but subject to compliance with the other dire statutory conditions, hence made amenable for being treated as evacuee property, and, also the jurisdictional competence to allot the said lands, to the migrants from Pakistan to India, was exercisable by the custodian concerned.

21. Pointedly the description of the land(s) concerned, in the judgment (supra), is Hasab Rasad Khewat. The implication of the said entry, irrespective of the fact, that it may have been, prior to 1947, cultivated by the Muslim cultivators, who however on the happening of the partition of the Country in 1947, may have migrated from India to Pakistan, but the verdict (supra), does not cover the further aspect, which is the foundational fact in the instant case, inasmuch as, it does not encompass the classification assigned to the petition lands, in the classification column of the relevant jamabandis. The classification assigned in the revenue records to the petition lands, is **Takia, graveyard and Maszid**. The said classification assigned, to the petition lands, but naturally makes the petition lands, to be construable, as a site sacred to the Muslims, and, but as a further natural corollary, it cannot be deemed to be the subject matter of any competent alienation(s) being made by any authority to any person.

22. In consequence, the judgment (supra), does not for reasons (supra), settle the competing jurisdictional competence(s), respectively of



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the authorities under the Punjab Act concerned, and, of the Wakf Tribunal, created under the Central Law, to try the lis in respect of the petition lands, rather described in the relevant revenue records, as **Takia, graveyard and Maszid**. The said judgment (*supra*) erases the right, title, and, interest of Muslim migrants from India to Pakistan, and/or of those Muslims, who left India for Pakistan in the year 1947, and who were prior thereto in the garb of an entry of Hasab Rasad Khewat, existing in the relevant revenue records, hence making lawful cultivation of the lands concerned.

23. In any case, the above discussion, is only made for academic purposes and has but a minimal consequentiality vis-a-vis the subject at hand.

**Applicability of the judgment of *Syed Mohd. Salie Labbai's case (supra)***

24. The judgment of the Hon'ble Apex Court in *Syed Mohd. Salie Labbai's case (supra)*, when is aplomb to the foundational strata, as appertaining to the instant lis, inasmuch as, in the relevant paragraph thereof, which becomes extracted hereinabove, a clear and vivid pronouncement, becomes carried, qua the description(s) of the lands, as **Takia, graveyard and Maszid**, in the relevant revenue records, rather constituting conclusive proof of the character, and, nature of the petition lands. Therefore, the notification issued under Section 5 of the Act, declaring the petition property(ies), as Wakf property, was but in tandem therewith. Moreover, the effect, if any, of the Panchayats concerned, being not served with a notice by the authorities concerned, prior to the issuance of the apposite notifications, is but completely meaningless, and, is also insignificant.

25. Consequently, when *Syed Mohd. Salie Labbai's case (supra)*, conclusivity has been assigned to truth of the entry, carried in the



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classification column, describing the land concerned, as **Takia, graveyard and Maszid**, besides when the said entry has been declared to prevail or hold precedence over any entry of Shamlat Deh, as occurring in the revenue records concerned. Thus, the entry of Shamlat Deh as exists in the relevant revenue records, is of the least legal significance, nor does it erode the conclusivity of truth, as becomes assigned to the entry of **Takia, graveyard and Maszid**, nor the jurisdictional competence to try the lis, is vested in the statutory authorities, contemplated in the Punjab Act, rather the jurisdictional competence to try the lis, solitarily vests in the Punjab Wakf Tribunal.

26. The upshot of the above conclusion, is that the issuance of the notification(s) under Section 5 of the Act, do hold legal weightage, and, as but a natural corollary, the jurisdictional competence to try the lis became vested in the Wakf Tribunal concerned, than in the authorities contemplated in the Punjab Act concerned.

### **Conclusion**

27. The effect of the above is that, the entry in the classification column of the relevant revenue entry, enjoys precedence over the entry in the revenue records describing the petition lands as Shamlat Deh. The further concomitant effect thereof, is that, the notifications issued under Section 5 of the Act, declaring the petition lands, as Wakf property, were validly made notifications, as the same are in complete tandem therewith. Furthermore, also non issuance of any notice by the competent authority concerned, upon the Gram Panchayat concerned, imperatively prior to the making of the said notifications, is inconsequential, nor the makings of the said notifications,





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becomes stained from any vice arising from any non-adherence, if any, being made to the principles of natural justice.

28. The jurisdictional competence to try the lis becomes solitarily vested in the Punjab Wakf Tribunal, as constituted under the Central Act concerned, and, the statutory authorities contemplated under the Punjab Act concerned, do not have any jurisdictional competence to try the lis.

**Principles**

29. (1) The judgment in *Ranjit Singh's* case (supra) holds force only in respect of repugnancy or a conflict arising inter se the jurisdictional competence of the Custodian under the Administration of Evacuee Property Act, 1950, rather with the statutory authorities contemplated under the Punjab Act, 1953. The said judgment does not hold force in respect of an entry in the revenue records declaring the disputed land as **Takia, graveyard and Maszid**.

(2) Moreover, any entry in the revenue records declaring the land as **Takia, graveyard and Maszid**, enjoys conclusivity, and, is required to be ensured to be protected even at the site concerned, despite evidence of purported prolonged non-user thereof by the Muslim community.

30. Resultantly, when the verdict pronounced by the Tribunal concerned, is within the boundaries of the competent jurisdiction, vested in it, besides when the Tribunal concerned, became so constituted, in terms of a notification dated 11.09.1971, whereby there was a bar against the exercise of jurisdiction of the present subject matter by the Civil Court, besides even by the Collector exercising jurisdiction under the Punjab Village Common



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Lands (Regulation) Act, 1961. As such, there is no legal consequentiality to the verdict (Annexure A-1), as made by the Addl. Commissioner concerned, exercising the jurisdiction of a Collector under the Punjab Village Common Lands (Regulation) Act, 1961.

31. In aftermath, this Court finds no merit in the instant revision petition, and, with the above observations, the same is dismissed.

**(SURESHWAR THAKUR)**  
**JUDGE**

21.11.2024

**(SUDEEPTI SHARMA)**  
**JUDGE**

Ithlesh

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No