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Denotification of 123 Waqf properties in Delhi under the control of L&DO and DDA

U PA government has once again shown its commitment towards the development of minority communities specially Muslims and have settled a long pending issue of title ownership of Waqf properties in favour of community and Delhi Waqf Board. The Union cabinet in its

meeting on 2nd March '14 has accepted the proposal of denotification of 123 Waqf properties in Delhi under the control of L&DO and DDA which allows the title to revert to the Delhi Wakf Board. Thus government has shown its sensitivity towards the concerns of the community and cleared a long pending issue.

THE JOURNEY OF THESE PROPERTIES AND THIS ISSUE SO FAR...

- A large number of Waqf properties were acquired by the Government of India between the years 1911-1915 for extension of the Delhi city. The Muslims expressed great resentment and refused to accept compensation. After the promulgation of the Central Wakf Act, 1954, these properties, being of religious character were notified as Waqf in Delhi Gazette during the year 1970. The L&DO and DDA filed a declaratory suits claiming ownership of these Waqf properties.
- The Cabinet in its Meeting held on 31st January, 1984, approved transferring 123 Waqf properties to the Delhi Waqf Board. Accordingly, the then Ministry of Works & Housing issued Orders on 27th March, 1984 transferring these 123 Waqf properties in Delhi to Delhi Waqf Boards stipulating, inter-alia, that the properties will be on perpetual lease hold basis at a nominal rent of Re. 1/- per acre per annum.
- Before it could be implemented, Indraprastha Vishwa Hindu Parishad & Others challenged it before the Delhi High Court. The Delhi High Court on 1st June, 1984 granted Stay and Ordered that Status-quo regarding the property should be maintained and possession should be retained by the Government. The Delhi High Court disposed of the Petition by Order dated 12.01.2011 with the directions to the Union of India to re-look at the matter and take a decision within 6 months.
- Ministry of Urban Development made reference to Ministry of Law & Justice for seeking the opinion of Attorney General of India (AGI). AGI opined that since the possession of the properties was never taken by the Government, there is no legal bar in denotifying the said properties under Section 48 of the Land Acquisition Act.
- Opinion of the AGI was again sought by the Ministry of Urban Development. AGI advised that in view of Section 3 of the Places of Worship Act, and the principle of 'Once a Waqf always a Waqf', it cannot be presumed without proper evidence that the possession of these 123 properties was in fact taken over the Government. AGI reiterated that under Section 48 of the Land Acquisition Act, these 123 properties can be denotified.
- Under the circumstances stated above, Cabinet on 2nd March '14 took a final decision on the note of Ministry of Urban Development preferred and Denotified 123 properties in Delhi under the control of L&DO and DDA and allow the title to revert to the Delhi Wakf Board.