

SC: Form tribunals quickly for Waqf property disputes

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New Delhi: The Supreme Court on Tuesday directed the state governments to immediately take steps for constituting three-member tribunals to adjudicate all disputes relating to Waqf property and granted four weeks' time to them to form the panels.

A bench of Justices M Y Eqbal and C Nagappan pulled up the state governments for not complying with the amended Waqf Act passed in 2013 for setting up the tribunals as disputes arising out of Waqf properties cannot be adjudicated by civil courts.

"We record our serious exception to the conduct of the states which have not till date issued fresh notification constituting three-member tribunals as mandated by Section 83(4) of the Act. We, therefore, direct the states to immediately take steps for constituting a three-member tribunals and notification to that effect must be issued within four months from today," the bench said.

The bench said only tribunal constituted under the Act is entitled to adjudicate any dispute relating to Waqf properties and quashed the order of the Bombay HC which held that civil courts can decide such disputes. It held that a single-member tribunal is entitled to hear the dispute if the

The SC directed state governments to form 3-member tribunals to adjudicate disputes relating to Waqf properties in four weeks time



state governments did not replace it with a three-member panel as per the new law.

"The implied repeal of an earlier law can be inferred when there is enactment of a later law which had the power to override the earlier law and is totally inconsistent with the earlier law. If the later law is not capable of taking the place of the earlier law and for some reason cannot be implemented, the earlier law would continue to operate," the bench said. It said civil courts have no jurisdiction to adjudicate disputes over Waqf properties which must be heard by Waqf Tribunal alone. The Act says that every tribunal constituted by the state government is to be headed by a Chairman holding a rank not below that of a District, Sessions or Civil Judge.