

The Haryana Public Wakfs (Extension of Limitation) Act, 1991

HARYANA

India

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Act 11 of 1992

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The Haryana Public Wakfs (Extension of Limitation) Act, 1991 Haryana Act No. 11 of 1992 Statement of Objects and Reasons. - Following the partition of the country in August, 1947 a large number of Wakf properties passed into an unauthorised hands and the persons incharge of these properties could not institute civil proceedings for the recovery of possession in respect of all such properties. Under the present Law the title of the true owner would be extinguished if the property remains in adverse possession for twelve years or more. In spite of extension of a limitation for institution of such suits up to December, 1970 by the Central Government, there were still a large number of properties regarding which suits could not be instituted. Thereafter, the State of Haryana extended the limitation of institution of suits from time to time and lastly it was extended upto 31st December, 1990. But still there are a large number of properties regarding which suits could not be instituted within the stipulated period. In order to enable the Wakf Board and other interested persons to institute such suits, limitation is proposed to be extended upto 31st December, 2000 by enactment of the Haryana Public Wakfs (Extension of Limitation) Act, 1991. Haryana Government Gazette (Extra) dated Feb. 28, 1991, page 501. Received the assent of the President of India on the 12th February, 1992, and was published in the Haryana Gazette, (Extra.), Legislative Supplement, Part I, dated the March, 9, 1992. An Act to extend the period of limitation in certain cases for suits to recover possession of immovable property forming part of public wakf. Be it enacted by the Legislature of the State of Haryana in the Forty- second Year of the Republic of India as follows :-

1. Short title and extent.

(1) This Act may be called the Haryana Public Wakfs (Extension of Limitation) Act, 1991. (2) It extends to the whole of the State of Haryana.

2. Definition.

- In this Act, "public wakfs" means the permanent dedication by a person professing Islam of any immovable property for any purpose recognised by Muslim Law as a public purpose of a pious, religious or charitable nature.

3. Extension of period of limitation in certain cases for suits to recover possession of immovable property forming part of public wakfs.

- Where a person entitled to institute a suit of the description referred to in Article 64 or 65 of the Schedule to the Indian Limitation Act, 1963, for possession of any immovable property forming part of a public wakfs or any interest therein has been dispossessed, at any time after the 14th August, 1947, and before the 7th day of May, 1954, or, as the case may be, the possession of the defendant in such a suit has become adverse to such person at any time during the said period, then, notwithstanding anything contained in the said Act, the period of limitation in respect of such a suit shall extend upto the 31st day of December, 2000.