

# Rajiv Setia & Anr vs Union Of India & Ors on 6 January, 2022

**Author: Jyoti Singh**

**Bench: Chief Justice, Jyoti Singh**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ W.P.(C) 223/2022  
RAJIV SETIA & ANR.

Through: Mr. Pranay Trivedi, Advoc

versus

UNION OF INDIA & ORS.

Through: Mr. Chetan Sharma, Additi

Solicitor General with Mr  
Singh, Central Government  
Counsel for UOI.

Mr. Jatin Punia, Governme  
Mr. Wajeeh Shafiq, Standi  
along with Mr. Ramesh Sha  
Ms. Sabika Ahmad, Advocat  
R-3.

Ms. Manisha Chauhan and M  
Advocates for R-4.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% 06.01.2022 Proceedings have been conducted through video conferencing. W.P.(C) 223/2022 & CM APPL. 615/2022 (Stay) Issue notice.

Mr. Kirtiman Singh, learned Central Government Standing Counsel accepts notice on behalf of Respondents No. 1 and 2.

Ms. Sabika Ahmad, learned counsel accepts notice on behalf of Respondent No. 3.

Ms. Manisha Chauhan, learned counsel accepts notice on behalf of Respondent No. 4.

Learned counsels seek time to file counter affidavits. Time as prayed for is granted.

Let counter affidavits be filed, before the next date of hearing. Petitioners claim to be tenants of the various properties of the Wakf Board, as detailed in the writ petition. Challenge is laid in the writ petition to certain provisions of the Wakf Amendment Act, 2013 and Wakf Properties Lease Rules, 2014.

At the outset, it is pointed out by learned counsel for the Petitioners that several writ petitions seeking similar reliefs are pending in this Court wherein notice has been issued and interim orders have been granted in favour of the Petitioners therein staying the Auction Notices as well as restraining the Respondents from taking coercive steps against the Petitioners. It is thus submitted that similar reliefs be granted to the Petitioners herein, during the pendency of the present petition.

We have heard learned counsels for the parties and looked into the facts and circumstances of the case. We have also perused the orders passed by this Court in several writ petitions, one of them being W.P.(C) 9348/2019, which was heard with a batch of petitions and a common order was passed granting interim protection to the Petitioners therein. We also find that the Court has, while granting interim protection, directed the Petitioners to pay rent at the rate of Rs.5,000/- per month or double the last paid rent, whichever is higher, without prejudice to the rights and contentions of the parties. Learned counsels for the Respondents do not dispute this position.

In view of the aforesaid, we hereby stay the operation of the Auction Notices issued by Delhi Wakf Board, which are subject matter of the above writ petitions, as detailed therein and further direct that no coercive steps shall be taken against the Petitioners. The interim order passed today shall operate, till the next date of hearing.

In the meantime, Petitioners shall pay rent @ Rs.5,000/- per month or double the last paid rent, whichever is higher, without prejudice to their rights and contentions.

We make it clear that question regarding the payment of rent or damages for use and occupation including the question regarding the rate under the provisions of the Wakf Act shall be considered when the matters are taken up for hearing.

List on 29.03.2022 along with W.P.(C) Nos. 14617/2021, 14620/2021, 14621/2021 and other similar petitions.

CHIEF JUSTICE JYOTI SINGH, J JANUARY 06, 2022/sn