



The second question of Fatwa No. (20244)

Q 2: A debtor mortgaged a plot of land to his creditor. May the creditor make use of the mortgaged land by planting, leasing or the like?

A: If the mortgaged object is something which entails no expenses or care, such as products,

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real-estate, land or houses, and is mortgaged in return for a debt other than that of loan, the mortgagee may not use it for farming or leasing without the mortgagor's permission. In fact, it is the property of the latter and hence its revenue is for the mortgagor as well. However, if the mortgagor permits the mortgagee to make use of the land when the debt is not that of a loan, the mortgagee may make use of it even for nothing in return. This is provided that it is not permitted in return for delaying the payment of debt. If the latter is the case, the mortgagee may not make use of it. However, the mortgagee may not make use of the land at all if the land is mortgaged in return for a loan debt, as this is a debt that yields interest. In fact, every loan that yields interest is Riba (usury) as unanimously agreed upon by all scholars. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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