



\$~
*

IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on:- 18.02.2026
Date of Decision:- 23 .02.2026

+ **W.P.(C) 2278/2026 & CM APPLs. 11030-31/2026**

SAVE INDIA FOUNDATION (REGD.)

.....Petitioner

Through: Mr. Umesh Chandra Sharma and Mr. Vikas Sharma, Mr. Yogesh Aggarwal, Mr. Neeraj Chauhan, Mr. Mohit Kumar, Ms. Khushbu Khatri, Mr. Lalit Goyal, Ms. Preeti Singh and Mr. Subhash Pal, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Manu Chaturvedi, S.C. with Mr. Ahmed Jamal Siddiqui, Mr. K. K. Rai, Mr. Madhav Tripathi, Advs. for MCD.

Mr. Sayed Abdul Haseeb, CGSC with Mr. Varun Pratap Singh, GP for UOI
Ms. Shobhana Takiar, S.C. with Mr. Kuljeet Singh, Adv. for DDA.

Mr. Sanjoy Ghose, Sr. Adv. with Ms. Farahat Jahan Rehmani, ASC, Mr. Firoz I. Khan, Mr. I. Ahmed, Mr. R. Mandal, Ms. M. Ali, Ms. Nazma, Advs. for R-5.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

J U D G M E N T



DEVENDRA KUMAR UPADHYAYA, C.J.

1. The petitioner, which is a Trust registered under the Indian Trusts Act, 1882, has invoked our jurisdiction under Article 226 of the Constitution of India, by instituting this petition purportedly in public interest through its Authorised person/Trustee – Sh. Preet Singh, whereby a notification dated 24.03.1980 issued by the Delhi Wakf Board (hereinafter referred to as the “*Wakf Board*”), which was published in the official Gazette of Delhi on 10.04.1980, has been challenged.

2. By the said notification issued under Section 5(2) of the Muslim Wakfs Act, 1954 (hereinafter referred to as the “*Act, 1954*”), certain wakf properties existing in the then Union Territory of Delhi have been published. The challenge to the said list has been made to the *Sunni* wakf properties enlisted at Serial No. 26, 27 and 29, namely, (i) Mosque locally known as Jama Masjid, Jahangir Puri, Delhi, (ii) Mosque, Jahangir Puri, Delhi, locally known as *Moti Masjid* and (iii) *Masjid* Jahangir Puri, Delhi.

3. A perusal of the impugned notification reveals that it was published by the Wakf Board after examining the report forwarded to the Wakf Board by the Delhi Administration under Section 5(1) of the Act, 1954.

4. At the outset, learned counsel representing the Wakf Board has opposed the very maintainability of the writ petition by stating that challenge to a notification issued in the year 1980 after a lapse of about 46 years would not be permissible and further that the list of the wakf properties was published strictly in accordance with the provisions of the



Act, 1954 after following due process as per the provisions contained in Section 4 and 5 of the Act, 1954 and therefore, the petition is misconceived.

5. Making submissions on behalf of the Wakf Board, learned counsel has drawn our attention to Section 4 of the Act, 1954 which provides for appointment of a Commissioner of Wakfs for the State, who under sub-section (3) of Section 4 of the Act, 1954 was mandated to conduct an inquiry and thereafter submit his report to the State Government containing certain particulars, namely, (i) the number of wakfs in the State, (ii) nature and object of each wakf, (iii) gross income of property comprised in each wakf, (iv) the amount of land revenue, cess rates and taxes payable in respect of such property, and (v) the expenses incurred in realisation of the income and pay or other remuneration of the *Mutawalli* and such other particulars relating to each wakfs as may be prescribed.

6. It has further been argued that under sub-section (1) of Section 5 of the Act, 1954 on receipt of a report under sub-section (3) of Section 4 of the Act, 1954, the State Government was required to forward a copy of the same to the Wakf Board, which under sub-section (2) of Section 5 of the Act, 1954 was required to examine the report and publish it in the official gazette. A list of wakfs existing in the State containing such particulars as may be prescribed. It has, thus, been stated and argued on behalf of the Wakf Board that the list contained in the impugned notification was, thus, published by the Wakf Board after an inquiry conducted by the Commissioner of Wakfs and on a report based on such inquiry tendered by the State Government to the Wakf Board. It has also been argued on behalf of the Wakf Board that making a challenge to the impugned notification



after such a long period is tantamount to abuse of the process of the Court.

7. Further submission on behalf of the Wakf Board is that in case of any dispute regarding the Wakfs enlisted under sub-section (2) of Section 5 of the Act, 1954, Section 6 of the said Act provides a complete mechanism for the resolution of the same. It has been stated that Section 6 of the Act, 1954, clearly provided that if any question arose whether a particular property is a wakf or not, any person interested in such property could institute a suit in the Civil Court of competent jurisdiction for the decision on the question, and the decision of the Civil Court in respect of such matter would be final.

8. Our attention has also been drawn to the proviso appended to Section 6(1) of the Act, 1954, according to which, no such suit would be entertained by the Civil Court after expiry of one year from the date of publication of the list of wakfs under Section 5(2) of the Act, 1954. It is, thus, the submission on behalf of the Wakf Board that the impugned notification which enlists the wakf properties cannot be permitted to be challenged at this stage after expiry of period of 46 years, as the such list would become final if no suit as envisaged in Section 6(1) of the Act, 1954, was instituted and if any such suit was instituted that resulted in its dismissal.

9. Learned counsel representing the Wakf Board has questioned the very *bonafide* of instituting these proceedings as a public interest litigation petition. It has been stated that even earlier the petitioner had instituted a public interest litigation petition, namely *W.P. (C) 1939/2026*, which was dismissed as withdrawn with liberty to institute the appropriate proceedings before the appropriate forum which may include, filing of this writ petition,



however, in the facts and circumstances of the present case, this petition is not maintainable for the reasons as asserted on behalf of the Wakf Board.

10. In reply to the objections regarding the maintainability of the writ petition raised on behalf of the Wakf Board, learned counsel for the petitioner has argued that the petitioner – organisation was not aware that the properties enlisted at Serial No. 26, 27 and 29 in the impugned notification were Wakf properties, which came to the knowledge of the petitioner only recently and therefore, delay in espousing a case in public interest is not material.

11. The case set up by the petitioner, as disclosed in the writ petition, is that the land comprised in the subject properties enlisted in the impugned notification was acquired by the Delhi Government under the relevant provisions of the Land Acquisition Act, 1894, on 26.03.1977 and possession thereof was also taken. It has also been stated that in respect of the said land, compensation was also paid to the land owners *vide* Award No. 33/78-79 passed by the Land Acquisition Collector (North), Delhi.

12. Submission further on behalf of the petitioner is that as per the Award declared in respect of the subject land and other surrounding parcels of land, the acquisition was made for planned development of Delhi and accordingly, the land was handed over to the Delhi Development Authority, which integrated these parcels of land into a formal layout plan for a planned colony which was named as Jahangir Puri.

13. Learned counsel for the petitioner has also stated that the properties enlisted at Serial No. 26, 27 and 29 of the impugned notification in fact, are



situated on land which forms part of the land acquired in respect of which Award No. 33/78-79 was declared by the Land Acquisition Collector and compensation in lieu of the acquisition was also paid to the land owners, however, the said properties have been declared to be wakf properties by way of issuing the gazette dated 10.04.1980 in violation of law and the Hon'ble Supreme Court's directions regarding "character" of acquired land.

14. However, we may note that neither reference to any specific judgment of the Hon'ble Supreme Court has been given by the petitioner in this petition, nor has it been stated as to which law has been violated. It has, thus, been submitted that once the land over which the properties as aforesaid exist, was acquired under the Land Acquisition Act, 1894, the properties could not have been enlisted as wakf properties and as a matter of fact any construction which comprised in the said properties enlisted at Serial No. 26, 27 and 29 of the impugned notification is nothing but illegal encroachment on public land and therefore, the notification is liable to be quashed.

15. Having heard the learned counsel for the parties and having gone through the records available before us on this petition and also considering the facts and circumstances in which proceedings of this petition have been instituted, we are of the considered opinion that the petitioner has unnecessarily attempted to rake up the past. The motive behind filing the writ petition also does not appear to be *bonafide*. We are also of the opinion that any notification made about 46 years ago cannot be permitted to be challenged on flimsy grounds. We are further constrained to observe that there is nothing on record which establishes the identity of the land over



which the wakf properties in question which are enlisted at Serial No. 26, 27 and 29 of the impugned notification exist; neither is there any evidence nor any proof even for the name sake which establishes that the parcel of land acquired in respect of which Award No. 33/78-79 was declared under the Land Acquisition Act, 1894, is the land over which the properties enlisted at Serial No. 26, 27 and 29 of the impugned notification stand.

16. Petitioner appears to be habitual of filing the petitions describing them as public interest litigation petitions, details of which can be found in paragraph 7 of the writ petition, which is extracted herein below:-

<i>S.NO</i>	<i>Case no.</i>	<i>Title</i>	<i>Listing date</i>
1.	<i>W.P.(c) 15737/2024</i>	<i>Save India Foundation (Regd.) Vs. Delhi Development Authority</i>	<i>Next date:28-05- 2025 Last date: 27/03/2025</i>
2.	<i>W.P.(c) 17655/2024 (disposed off)</i>	<i>Save India Foundation Vs Chairman Railway Board</i>	<i>LAST DATE :08/01/202 5</i>
3.	<i>W.P.(c) 17523/2024 [disposed off]</i>	<i>Save India Foundation Vs Department Of Forest And Wildlife & Ors.</i>	<i>Last date: 17/02/2025</i>
4.	<i>W.P.(C) 2162/2025 [PENDING]</i>	<i>Save India Foundation Vs National Highway Authority Of India & Anr. Advocate : Umesh Chandra Sharma</i>	<i>Next date:20/09/2025 last date: 30/04/2025</i>
5.	<i>W.P.(c) 2743 / 2025 [disposed off]</i>	<i>Save India Foundation Vs Chairman Railway Board</i>	<i>Last date: 07-03- 2025</i>



6.	W.P.(c) 3353/ 2025 [pending]	Save India Foundation Vs Delhi Wakf Board	Last date-19-03-25 Next date-21-05-25
7.	W.P.(c) 3384 / 2025 [pending]	Save India Foundation Vs Lg Of Delhi	Last date-19-03-25 Next date-23-04-25
8.	W.P.(c) 4093/2025	Save India Foundation Vs Lg Of Delhi	Last date-02- 04-25
9.	W.P.(c) 4536/2025 [disposed off]	Save India Foundation Vs Department Of Forest and Wildlife & Ors	Last date: 09/04/2025
10.	W.P.(c) 5142/2025 (pending)	Save India Foundation Vs Lg Of Delhi	Last date: 23/04/2025 Next date:21-05-2025
11.	W.P.(c) 5617/2025 (pending)	Save India Foundation (Regd.) Vs Delhi Urban Shelter Improvement Board & Ors	Last date: 30/04/2025 Next date:20-08-2025
12.	W.P.(C) 6878/2025 (disposed off)	Save India Foundation Vs Lg Of Delhi & Ors.	Last date: 21/05/2025
13.	W.P.(c) 7517/2025	Save India Foundation Vs Govt. Of Delhi & Ors.	Last date: 28/05/2025
14.	W.P.(c) 9372/2025,pil	Save India Foundation Vs Municipal Corporation of Delhi & Ors.	Last date: 9/07/2025
15.	W.P.(c) 9972/2025	Save India Foundation Vs.	Last date:16/07/2025



	,pil	Delhi Urban Shelter Improvement Board & Ors	
16.	W.P.(c) 11111/2025 ,pil (disposed off)	Save India Foundation Vs Govt. of NCT Of Delhi & Ors.	Last date:30/07/2025
17.	W.P.(c) 11143/2025,pil (disposed off)	Save India Foundation(Regd.) Vs Govt, of NCT of Delhi & Ors.	Last date:30/07/2025
18.	W.P.(c) 11701/2025,pil	Save India Foundation Vs. Delhi Urban Shelter Improvement Board & Ors	Last date:06/08/2025
19.	W.P.(c) 12203/2025,pil	Save India Foundation Vs. Delhi Urban Shelter Improvement Board & Ors	Last date:13/08/2025
20.	W.P.(c) 12502/2025,pil (disposed off)	Save India Foundation Vs. Delhi Urban Shelter Improvement Board & Ors	Last date:20/08/2025
21.	W.P.(c) 12569/2025,pil (disposed off)	Save India Foundation Vs. Government of NCT of Delhi & Ors.	Last date:20/08/2025
22.	W.P.(c) 13016/2025,pil	Save India Foundation Vs. Govt, of NCT of Delhi & Ors.	Last date:27/08/2025
23.	W.P.(c) 13544/2025,pil (disposed off)	Save India Foundation Vs. Delhi Cantonment Board & Ors.	Last date:03/09/2025
24.	W.P.(c) 13936/2025,pil	Save India Foundation (Regd.)	Last date:10/09/2025



	<i>(disposed off)</i>	<i>Vs. Govt, of NCT of Delhi & Ors.</i>	
25.	<i>W.P.(c) 14347/2025,pil</i>	<i>Save India Foundation (Regd.) Vs. NHAI & Ors.</i>	<i>Last date:17/09/2025</i>
26.	<i>W.P.(c) 14375/2025,pil (disposed off)</i>	<i>Save India Foundation Vs. Delhi Urban Shelter Improvement Board & Ors</i>	<i>Last date:17/09/2025</i>
27.	<i>W.P.(c) 14816/2025,pil (disposed off)</i>	<i>Save India Foundation Vs. Municipal Corporation of Delhi & Ors.</i>	<i>Last date:24/09/2025</i>
28.	<i>W.P.(c) 15836/2025,pil (disposed off)</i>	<i>Save India Foundation Vs. Govt, of NCT of Delhi & Ors.</i>	<i>Last date:15/10/2025</i>
29.	<i>W.P.(c) 17153/2025,pil (disposed off)</i>	<i>Save India Foundation Vs. Municipal Corporation of Delhi & Ors</i>	<i>Last date:12/11/2025</i>
30.	<i>W.P.(c) 17526/2025,pil</i>	<i>Save India Foundation Vs. Municipal Corporation of Delhi & Ors.</i>	<i>Last date:19/11/2025 Next date:17/12/2025</i>
31.	<i>W.P.(c) 18320/2025,pil</i>	<i>Save India Foundation Vs. Municipal Corporation of Delhi & Ors.</i>	<i>Last date:03/12/2025 Next date:18/03/2025</i>
32.	<i>W.P.(c) 18720/2025,pil</i>	<i>Save India Foundation Vs. Municipal Corporation of Delhi & Ors.</i>	<i>Last date:10/12/2025</i>
33.	<i>W.P.(c) 96/2026,pil</i>	<i>Save India Foundation Vs. Delhi Wakf Board &</i>	<i>Last date:07/01/2026</i>



		<i>Ors.</i>	
34.	<i>W.P.(c) 443/2026,pil</i>	<i>Save India Foundation Vs. Delhi Wakf Board & Ors</i>	<i>Last date:21/01/2026 Next date:22/04/2026</i>
35.	<i>W.P.(c) 444/2026,pil</i>	<i>Save India Foundation Vs. Municipal Corporation Of Delhi & Ors.</i>	<i>Last date:21/01/2026 Next date:22/04/2026</i>
36.	<i>W.P.(c) 1558/2026,pil</i>	<i>Save India Foundation Vs Municipal Corporation of Delhi & Ors.</i>	<i>Last date:04/02/2026</i>
37.	<i>W.P.(c) 1939/2026,pil</i>	<i>Save India Foundation Vs Municipal Corporation of Delhi & Ors.(Disposed Off)</i>	<i>Last date:11/02/2026</i>

Beside these PIL's petitioner has also filed these cases before this court:

1.	<i>W.P.(C) 9492/2024 [PENDING]</i>	<i>Save India Foundation (Regd.) Vs. Rail Land Development Authority & Ors.</i>	<i>Next date: 26/08/2025 Last date: 25/03/2025</i>
2.	<i>W.P.(C) 5571/2024 [PENDING]</i>	<i>Save India Foundation (Regd.) Vs. Govt. Of NctOf Delhi & Ors.</i>	<i>Next date: 07/08/2025 Last date: 18/02/2025</i>
3.	<i>W.P.(C) 4867/2024 [PENDING]</i>	<i>Save India Foundation Regd Vs. Govt. Of Nct of Delhi & Ors.</i>	<i>Next date: 09/07/2025 Last date: 27/01/2025</i>
4.	<i>W.P.(C) 13495/2024 [DISPOSED OFF]</i>	<i>Save India Foundation (Regd.) Vs. Municipal Corporation Of Delhi & Ors.</i>	<i>Last date: 25/09/2024</i>



5.	<i>W.P.(C)</i> <i>12753/2024</i> <i>[PENDING]</i>	<i>Save India Foundation</i> <i>(Regd.)</i> <i>Vs. Municipal</i> <i>Corporation Of</i> <i>Delhi, &Anr.</i>	<i>Next date :</i> <i>Last date:</i> <i>28/03/2025</i>
6.	<i>W.P.(C)</i> <i>12211/2024</i> <i>[PENDING]</i>	<i>Save India Foundation</i> <i>(Regd.)</i> <i>Vs. Chief Executive</i> <i>Engineer, &Ors.</i>	<i>Next date</i> <i>:30/04/2025</i> <i>Last date:</i> <i>23/01/2025</i>
7.	<i>W.P.(CRL)</i> <i>29/2024</i> <i>[DISPOSED</i> <i>OFF]</i>	<i>Save India Foundation</i> <i>(Regd.)</i> <i>Vs. The State Govt. Of</i> <i>NCT Of</i> <i>Delhi</i>	<i>Last date:</i> <i>12/09/2024</i>
8.	<i>W.P.(CRL)</i> <i>3274/2024</i> <i>[PENDING]</i>	<i>Preet Singh Vs. Union Of</i> <i>India And Ors</i>	<i>Next date :</i> <i>27/01/2025</i> <i>Last date:</i> <i>25/10/2024</i>
9.	<i>WP (C)</i> <i>2872/2023</i> <i>(PENDING)</i>	<i>Preet Singh Vs Union Of</i> <i>India & Ors</i>	<i>Next date:</i> <i>8/1/2025</i>
10.	<i>W.P.(C)</i> <i>15644/2025</i> <i>[PENDING]</i>	<i>Save India Foundation</i> <i>Vs. Delhi Urban Shelter</i> <i>Improvement Board &</i> <i>Ors</i>	<i>Last date:</i> <i>19/12/2025</i>
11.	<i>W.P.(C)</i> <i>931/2026</i>	<i>Save India Foundation</i> <i>Vs. Delhi Urban Shelter</i> <i>Improvement Board &</i> <i>Ors</i>	<i>Last date:</i> <i>22/01/2026</i>

17. It is also worthwhile to notice that the petitioner in paragraph 9.3 of the writ petition has stated that the police has falsely implicated the authorised person of the Trust in various fake police cases due to political considerations, but has not disclosed the details of the criminal cases.

18. The jurisprudence surrounding public interest litigation petitions has, drastically relaxed the rule of locus to file a petition seeking protection of rights of those who are in some disadvantageous situation for the reasons of



poverty, illiteracy or lack of awareness, etc. The rule of locus also stands relaxed in case by instituting an appropriate proceeding, protection of the right of the general public or a group of persons is sought; however, what is to be kept in mind while entertaining such public interest litigation petition is that it should necessarily espouse a public cause or should be filed in public interest. Public interest litigation petition is a tool evolved by the Hon'ble Supreme Court and various High Courts for a laudable purpose and has served the public causes which otherwise could not be brought to the attention of the Courts for many reasons. Having said that, we would also like to observe that the purity of the stream of public interest litigation in the country should not, at any cost, be permitted to be undermined by any litigant. The Hon'ble Supreme Court on umpteen number of occasions has emphasised that on one hand it is the duty of the superior Courts to entertain public interest litigation petitions for protecting and achieving greater public interest, at the same time it is also the duty of the Courts to ensure that frivolous petitions or petitions not filed with *bonafide* intentions or purpose which are styled as public interest litigation petitions, should be nipped in bud.

19. In *Holicow Pictures (P) Ltd. v. Prem Chandra Mishra, 2007 (14) SCC 281*, the Hon'ble Supreme Court has noticed the development of public interest litigation jurisprudence and has observed that a writ petitioner who comes to the Court for relief in public interest must come not only with clean hands like any other writ petitioner but also with clean heart, clean mind and clean objective. It has also noticed certain observations made by the Apex Court in *Janata Dal v. H.S. Chowdhary, (1992) 4 SCC 305*,



where Hon'ble Supreme Court has emphasised the importance and significance of this newly developed doctrine of public interest litigation, however, it has also sounded a red alert and note of severe warning that the Courts should not allow its process to be abused by a mere busy body or a meddlesome interloper or a wayfarer or officious intervener without any interest or concern except personal gain or private profit or other oblique consideration.

20. Hon'ble Supreme Court in *Holicow Pictures (P) Ltd. (supra)* further extracted certain observations made in *Janata Dal (supra)* where it was stated that a person acting *bona fide* and having sufficient interest in the proceedings of public interest litigation will alone have a *locus standi* and can approach the Court to wipe out the tears of the poor and needy suffering from violation of their fundamental rights, but not a person for personal gain or private profit or political motive or any oblique consideration. Supreme Court further observed in *Janata Dal (supra)* that a vexatious petition under the colour of public interest litigation brought before the Court for vindicating any personal grievance deserves rejection at the threshold. Paragraph 10 and 11 of *Holicow Pictures (P) Ltd. (supra)* are extracted below:-

“10. “5. When there is material to show that a petition styled as a public interest litigation is nothing but a camouflage to foster personal disputes, the said petition is to be thrown out. Before we grapple with the issue involved in the present case, we feel it necessary to consider the issue regarding public interest aspect. Public interest litigation which has now come to occupy an important field in the administration of law should not be ‘publicity interest litigation’ or ‘private interest litigation’ or ‘politics interest litigation’ or the latest trend ‘paise income litigation’. ... If not properly regulated and abuse averted, it becomes also a tool in unscrupulous hands to release vendetta and wreak vengeance, as well. There must be real and



genuine public interest involved in the litigation and not merely an adventure of a knight errant borne out of wishful thinking. It cannot also be invoked by a person or a body of persons to further his or their personal causes or satisfy his or their personal grudge and enmity. The courts of justice should not be allowed to be polluted by unscrupulous litigants by resorting to the extraordinary jurisdiction. A person acting bona fide and having sufficient interest in the proceeding of public interest litigation will alone have a locus standi and can approach the court to wipe out violation of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration. These aspects were highlighted by this Court in Janata Dal v. H.S. Chowdhary [(1992) 4 SCC 305 : 1993 SCC (Cri) 36] and Kazi Lhendup Dorji v. CBI [1994 Supp (2) SCC 116 : 1994 SCC (Cri) 873] . A writ petitioner who comes to the court for relief in public interest must come not only with clean hands like any other writ petitioner but also with a clean heart, clean mind and clean objective. (See Ramjas Foundation v. Union of India [1993 Supp (2) SCC 20] and K.R. Srinivas v. R.M. Premchand [(1994) 6 SCC 620] .)

6. *It is necessary to take note of the meaning of the expression 'public interest litigation'. In Stroud's Judicial Dictionary, Vol. 4 (4th Edn.), 'public interest' is defined thus:*

'Public interest.—(1) A matter of public or general interest "does not mean that which is interesting as gratifying curiosity or a love of information or amusement; but that in which a class of the community have a pecuniary interest, or some interest by which their legal rights or liabilities are affected".'

7. *In Black's Law Dictionary (6th Edn.) 'public interest' is defined as follows:*

'Public interest.—Something in which the public, the community at large, has some pecuniary interest, or some interest by which their legal rights or liabilities are affected. It does not mean anything so narrow as mere curiosity, or as the interests of the particular localities, which may be affected by the matters in question. Interest shared by citizens generally in affairs of local, State or national Government.'

8. *In Janata Dal case [(1992) 4 SCC 305 : 1993 SCC (Cri) 36] this Court considered the scope of public interest litigation. In para 53 of the said judgment, after considering what is public interest, the Court has laid down as follows : (SCC p. 331)*

'53. The expression "litigation" means a legal action including all proceedings therein, initiated in a court of law with the purpose of enforcing a right or seeking a remedy. Therefore, lexically the expression "PIL" means a legal action initiated in a court of law for



the enforcement of public interest or general interest in which the public or a class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected.'

9. In paras 60, 61 and 62 of the said judgment, it was pointed out as follows : (SCC p. 334)

'62. Be that as it may, it is needless to emphasise that the requirement of locus standi of a party to a litigation is mandatory; because the legal capacity of the party to any litigation whether in private or public action in relation to any specific remedy sought for has to be primarily ascertained at the threshold.'

10. In para 98 of the said judgment, it has further been pointed out as follows : (SCC pp. 345-46)

'98. While this Court has laid down a chain of notable decisions with all emphasis at their command about the importance and significance of this newly developed doctrine of PIL, it has also hastened to sound a red alert and a note of severe warning that courts should not allow its process to be abused by a mere busybody or a meddling interloper or wayfarer or officious intervener without any interest or concern except for personal gain or private profit or other oblique consideration.'

11. In subsequent paras of the said judgment, it was observed as follows : (SCC p. 348, para 109)

'109. It is thus clear that only a person acting bona fide and having sufficient interest in the proceeding of PIL will alone have a locus standi and can approach the court to wipe out the tears of the poor and needy, suffering from violation of their fundamental rights, but not a person for personal gain or private profit or political motive or any oblique consideration. Similarly, a vexatious petition under the colour of PIL brought before the court for vindicating any personal grievance, deserves rejection at the threshold.'

21. The observations made in paragraph 12 and 13 in ***Holicow Pictures (P) Ltd. (supra)*** are also relevant to be extracted, which read as under:-

"12. It is depressing to note that on account of such trumpety proceedings initiated before the courts, innumerable days are wasted, which time otherwise could have been spent for the disposal of cases of the genuine litigants. Though we spare no efforts in fostering and developing the laudable concept of PIL and extending our long arm of sympathy to the poor, the ignorant, the oppressed and the needy whose fundamental rights are infringed and violated and whose grievances go unnoticed, unrepresented and unheard; yet we cannot avoid but express our opinion that while genuine litigants with legitimate



grievances relating to civil matters involving properties worth hundreds of millions of rupees and criminal cases in which persons sentenced to death facing gallows under untold agony and persons sentenced to life imprisonment and kept in incarceration for long years, persons suffering from undue delay in service matters— government or private, persons awaiting the disposal of cases wherein huge amounts of public revenue or unauthorised collection of tax amounts are locked up, detenu expecting their release from the detention orders, etc. etc. are all standing in a long serpentine queue for years with the fond hope of getting into the courts and having their grievances redressed, the busybodies, meddlesome interlopers, wayfarers or officious interveners having absolutely no public interest except for personal gain or private profit either of themselves or as a proxy of others or for any other extraneous motivation or for glare of publicity, break the queue muffing their faces by wearing the mask of public interest litigation and get into the courts by filing vexatious and frivolous petitions and thus criminally waste the valuable time of the courts and as a result of which the queue standing outside the doors of the courts never moves, which piquant situation creates frustration in the minds of the genuine litigants and resultantly they lose faith in the administration of our judicial system.

13. Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity-seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity-oriented or founded on personal vendetta. As indicated above, the court must be careful to see that a body of persons or member of public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique considerations. The court must not allow its process to be abused for oblique considerations by masked phantoms who monitor at times from behind. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives, and try to bargain for a good deal as well to enrich themselves. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busybodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs.”



22. From the aforesaid observations made by Hon'ble Supreme Court in *Holicow Pictures (P) Ltd. (supra)*, what we notice is that Hon'ble Supreme Court has been sounding caution while entertaining the public interest litigation petition. Such a petition is a weapon which has to be used with care and circumspection, and that the Courts should be extremely careful to see that behind the beautiful wheel of public interest, an ugly private malice, vested interest, or publicity seeking is not lurking. It has further been observed that the attractive brand name of public interest litigation should not be used for suspicious products of mischief; it should rather be aimed at redressal of genuine public wrong or public injury and not be publicity-oriented or founded on personal vendetta. The Hon'ble Supreme Court goes on to observe further that the Court must be careful to see that a body of persons or a member of the public who approaches the Court is acting *bonafide* and not for any oblique motive or consideration.

23. Another noticeable observation made in *Holicow Pictures (P) Ltd. (supra)* is that some persons with vested interest indulge in pastime of meddling with judicial process either by force of habit or for improper motives and often such petitions are actuated by a desire to win notoriety or cheap popularity and therefore, petitions of such busy bodies deserve to be thrown out at the threshold. The observations made in paragraph 17 of *Holicow Pictures (P) Ltd. (supra)* is also relevant to be extracted, which is as under:-

“17. As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that the courts are flooded with a large number of so-called public interest litigations where only a minuscule percentage can legitimately be called as public interest litigation. Though the parameters of public interest litigation have been



indicated by this Court in a large number of cases, yet unmindful of the real intentions and objectives, the courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilised for disposal of genuine cases. ... It is also noticed that the petitions are based on newspaper reports without any attempt to verify their authenticity. As observed by this Court in several cases, newspaper reports do not constitute evidence. A petition based on unconfirmed news reports, without verifying their authenticity should not normally be entertained. As noted above, such petitions do not provide any basis for verifying the correctness of statements made and information given in the petition. It would be desirable for the courts to filter out the frivolous petitions and dismiss them with costs as aforesaid so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts.”

24. In *State of Utranchal v. Balwant Singh Chauhal*, (2010) 3 SCC 402, the entire law relating to public interest litigation has been reviewed and Hon’ble Supreme Court issued guiding directions which are contained in paragraph 181 of the report, which is quoted hereunder:-

“181. We have carefully considered the facts of the present case. We have also examined the law declared by this Court and other courts in a number of judgments. In order to preserve the purity and sanctity of the PIL, it has become imperative to issue the following directions:

(1) The Courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.

(2) Instead of every individual Judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the rules prepared by the High Court is sent to the Secretary General of this Court immediately thereafter.

(3) The Courts should prima facie verify the credentials of the petitioner before entertaining a PIL.

(4) The Courts should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a



PIL.

(5) The Courts should be fully satisfied that substantial public interest is involved before entertaining the petition.

(6) The Courts should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.

(7) The Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.

(8) The Courts should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations.”

25. If we carefully examine the facts and circumstances as pleaded in the instant case and challenge made to the impugned notification after 46 years, we find that the instant petition has not been filed with *bonafide* motive or in public interest.

26. Even on merit, we may observe that the impugned notification was issued after an inquiry conducted by the Commissioner of Wakfs, which is a statutory authority, under Section 4(3) of the Act, 1954 and the list of wakf properties was published under the impugned notification only on examination of the said report received from the State Government which was based on the inquiry conducted by the Commissioner of Wakfs.

27. Further, the provisions of the proviso appended to Section 6(1) of the Act, 1954, needs to be noticed. As per the provisions of Section 6(1) of the Act, 1954, any list of wakf property was subject to the outcome of any suit which could be instituted in a Civil Court of competent jurisdiction for decision of the question as to whether the property was rightly included in



2026:DHC:1581-DB



the list of wakf properties. However, the proviso appended to Section 6(1) of the Act, 1954 clearly bars institution of any suit before the Civil Court after expiry of one year from the date of publication of the list of wakf under Section 5(2) of the Act, 1954. Thus, if an ordinary civil remedy is barred by proviso appended to Section 6(1) of the Act, 1954, entertaining a writ petition seeking declaration that the certain properties enlisted in the impugned notification are not Wakf properties, that too after 46 years, in our opinion would legally be impermissible.

28. For the reasons aforesaid, we are not inclined to entertain the instant petition, which is hereby dismissed along with pending applications.

(DEVENDRA KUMAR UPADHYAYA)
CHIEF JUSTICE

(TEJAS KARIA)
JUDGE

FEBRUARY 23, 2026
“shailndra”