

**GOVERNMENT OF INDIA
SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA**

STARRED QUESTION NO:62
ANSWERED ON:22.11.2002
ENCROACHMENT IN THE WAKF'S ASSETS
HARIBHAI PARTHIBHAI CHAUDHARY

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

- (a) whether the Government are aware of the cases of sale and encroachment on the Wakf's assets;
- (b) if so, the details of such cases during the last three years, State-wise;
- (c) the number of persons found guilty in this regard; and
- (d) the details of action taken against them, State-wise?

Answer

MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (DR. SATYANARAYAN JATIYA)

(a) Yes Sir

As per the Wakf Act 1995, the proper management and protection of the Wakf's properties is the responsibilities of the Wakf Boards. The Wakf Boards are under the supervision of State Government/UT Administration.

(b), (c) & (d) The information as received from the State Governments/UT Administration is laid on the Table of the House.

Annexure

Statement in reply to part (b), (c) & (d) of the Lok Sabha starred Question No.62 for 22.11.2002 regarding encroachments in Wakf's assets

Details of cases of illegal sale/encroachment of Wakf properties

Name of State/UT Details

Andhra Pradesh An area of 84,212 acres is under encroachment. Notice under Section 54 and 55 of the Wakf Act has been issued to 3373 persons for evicting the encroached Wakf properties.

Andman & Nikobar Islands The UT administration has reported that there is no case of sale and encroachment of Wakf properties.

Arunachal Pradesh The State Government has reported that there is no Wakf Board and no Wakf property exists in the State.

Assam The State Government has reported that there is no case of sale and encroachment of Wakf properties.

Bihar(including Jharkhand) 13 Wakf properties were sold and 129 properties were encroached of Sunni Wakf Board. 4 persons are found guilty and removed from Mutawaliship. 8 Wakf properties of Shia Wakf Board are reported under encroachment. 8 persons have been found guilty. All the cases are pending in the court for eviction.

Dadra & Nagar Haveli The UT administration has reported that there is no case of sale and encroachment of Wakf properties.

Daman & Diu There is no Wakf Board in Daman & Diu and no report has been received from the UT.

Delhi Encroachments exist in a number of Wakf properties for which a proper survey is being conducted under the supervision of Survey Commissioner (Wakf) appointed under Wakf Act, 1995. Necessary action will be taken on the receipt of the survey report.

Goa The State Government has reported that there has been no survey of Wakf properties in the State and as such they have given the nil information.

Gujarat The State Government has reported that Survey Commissioner has been appointed and that the survey of work is in progress.

Jammu & Kashmir (not covered It has been reported by the State Government that as per the pursuance of provisions under the Wakf Act, 1995) of J&K Wakf Act, no sale of Wakf property can be made. 3385 Kanals, 14 marlas and 157 sft. is under encroachment. Cases against 78 encroachers have been filed in the courts. 37 cases have been decided for eviction, which have been referred to District Collectors for removal of encroachments.

Karnataka 155 cases of unauthorized encroachment on Wakf properties are reported. Out of which 2 cases pertaining to Bangalore Urban, necessary compensation was paid by the National Highways and Karnataka State Road Transport Corporation. In another case pertaining to Chitradurga District, the encroached property was evicted in view of the judgment of Hon'ble High Court of Karnataka and in one more case, the encroachment was evicted by the local authorities. In the remaining cases, action is being taken.

Kerala 34 cases of encroachments have been reported, encroachments from 5 properties have been removed, in remaining cases recovery proceedings are going on.

Lakshadweep The UT administration has reported that there is no case of sale and encroachment of Wakf properties.

Madhya Pradesh (including 148 properties are reported under encroachment. 595 persons have been found guilty. Chhattisgarh) 55 Wakf properties have been recovered. In remaining cases, the action is being taken by the concerned authorities.

Maharashtra 268 cases of encroachment and 71 cases of illegal sale of Wakf lands located in Marathwada region have been reported. For rest of the State, figures are not available. 2254 persons have been found guilty for encroachment. Actions have been initiated for removal of encroachments.

Manipur The State Government has reported that there is no case of sale and encroachment of Wakf properties.

Meghalaya The State Government has reported that there is no case of sale and encroachment of Wakf properties.

Mizoram The State Government has reported that there is no Wakf property in the State.

Nagaland The State Government has reported that there is no case of sale and encroachment of Wakf properties.

Orissa 12 cases of encroachment have been reported on Wakf properties. Investigation is going on and action has been initiated to recover the Wakf land as per the provisions of the Wakf Act.

Pondicherry 102 Wakf properties have been reported under encroachment and 96 persons have been

found guilty. Eviction action is to be taken on receipt of survey report from Survey Commissioner regarding encroachment of illegal possession by the encroachers. In most of the cases the matter is under litigation and vigorously followed by the Mutawalis.

Rajasthan 302 cases of encroachments are pending under Section 54 and 55 of the Wakf Act, 1995. 85 cases are pending under the provisions of Rajasthan Public Premises (Eviction of Unauthorized Occupants) Act, 1964. There are 225 cases of encroachments on the Endowments of Dargah Khwaja Saheb, which is administered under the Dargah Khwaja Saheb Act. Legal action is being taken.

Sikkim The State Government has reported that information may be treated as nil.

Tamil Nadu 4 cases of illegal sale of Wakf properties and 848 encroachments on the Wakf assets are reported. 848 persons are found guilty for encroachments and 4 persons are found guilty of illegal sale of the Wakf properties. For recovery of the Wakf properties, notices have been issued to the encroachers under Section 54 of the Wakf Act, 1995 and an enquiry has been conducted by the Chief Executive Officer of Tamil Nadu Wakf Board under Section 54 of the Wakf Act, 1995 after receipt of objections/replies from the encroachers in 505 cases.

Tripura The State Government has reported that there is no such case of sale and encroachment of Wakf properties.

Uttar Pradesh (including 22 cases of illegal sale and 727 cases of encroachments are reported. 2 encroachments Uttranchal) have been removed, 747 requisitions have been sent to the concerned Collectors for taking necessary action regarding eviction of Wakf land. Notices have been issued to 2893 persons. Remaining cases are under process at the level of Wakf Boards.

West Bengal 75 Wakf properties have been reported under possession of unauthorized persons. 75 persons are found guilty. 9 cases are pending in the Court for recovery of the Wakf properties.

The States of Haryana, Punjab, Himachal Pradesh and UT of Chandigarh are under Punjab Wakf Board

Punjab : There has been no illegal sale and encroachments of Wakf properties in the State in the last 3 years.
Haryana : There has been no illegal sale and encroachments of Wakf properties in the State in the last 3 years.
Himachal Pradesh: There has been no illegal sale and encroachments of Wakf properties in the State in the last 3 years.
Chandigarh : There has been no illegal sale and encroachments of Wakf properties in the UT in the last 3 years.