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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11259/2023

HARISUL HAQ

..... Petitioner

Through: Dr. Amit George, Advocate

versus

JAMIA MILLIA ISLAMIA & ORS

..... Respondents

Through: Mr. Pritish Sabharwal, Standing
Counsel for JMI/R-1 & R-9
Mr. Harish Vaidyanathan Shanka,
CGSC with Mr. Srish Kumar Mishra,
Mr. Alexander Matahi Paikaday, Mr.
Sriram, Advocates for R-2
Mr. Parmanand Gaur, Standing
Counsel for UGC with Mr. Vibhav
Mishra, Ms. Megha Gaur, Advocates
for R-3
Mr. Shashank Garg, Ms. Nishtha Jain,
Advocates for R-4 to R-6
Mr. Prithu Garg, Mr. Parth Bhatia,
Advocates for R-8

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **24.08.2023**

CM APPL. 43842/2023 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 11259/2023 & CM APPL. 43841/2023

1. The instant writ petition has been filed with the following prayers:-

“A. Call the entire official records from Respondent

No.1 University pertaining to the issuance of no-objection certificate to Smt. Zakia Zaheer, w/o Shri Syed Kazim Zaheer in order to dispose of prime land over which the Respondent No.1 University has rights; and

B. Issue an appropriate writ, order or direction in the nature of mandamus and/or prohibition directing and commanding the registrar of Respondent No.1 University to not issue a no-objection certificate to Zakia Zaheer, w/o Shri Syed Kazim Zaheer for sale of land over which the Respondent No.1 University has rights; and

C. Issue an appropriate writ, order or direction in the nature of certiorari quashing and setting aside the minutes of meeting of the Executive Council dated 4.08.2023 qua item 10 (Annexure: P -3); and

D. Issue an appropriate writ, order or direction in the nature of mandamus directing investigation into the surrender of the rights of the Respondent No.1 University over the subject land through the CBI.

E. Pass such other or further order(s) and/or directions as this Hon'ble Court may deem fit and proper in the equitable facts and circumstances of the case.”

2. Material on record discloses that the nominees of the Visitor, i.e., the President of India, who are neutral parties (Respondent No.4 to Respondent No.6) had protested against grant of No Objection Certificate to one Zakia Zaheer/ Respondent No.8 herein, on the ground that it is against the interests of Jamia Millia Islamia.
3. A perusal of the Minutes of Meeting shows that the protest and

dissent of the nominees of the Visitor has not been recorded.

4. It is stated by the learned Counsels for Respondents that a mere contractual right between the parties is now being sought to be interjected by way of a writ petition.
5. *Per Contra*, Dr. Amit George, learned Counsel for the Petitioner states that valuable properties of Jamia Millia Islamia are being sought to be fettered away by the Executive Committee.
6. Issue notice.
7. Learned Counsels for Respondents No.1 to 6, 8 and 9, accept notice.
8. Let replies be filed within four weeks from today. Rejoinder, if any, be filed within two weeks thereafter.
9. On Petitioner taking steps, let notice be issued to Respondent No.7 through all permissible modes, including *Dasti*.
10. List on 23.11.2023.
11. In the meantime, *status quo* with regard to the property in question be maintained till the next date of hearing.

SUBRAMONIUM PRASAD, J

AUGUST 24, 2023

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