## 125101 - Ruling on taking back a waqf

### the question

Someone allocated a very large piece of land as a waqf, to be a graveyard, when he was in good health, but no one has been buried there until now. Now the person who set up this waqf has retired and is no longer working, and he does not have any other land except a house where he and his family live. Is it permissible for him to take that land back or part of it, or not?

### Detailed answer

Praise be to Allah.

It is not permissible to take back the land that has been allocated as a waqf, or to take back part of it, because he ceased to be its owner when he allocated it as a waqf, except that he may avail himself of its benefit in accordance with what it was allocated for. If it is needed in that location for burial, then it may be used for that, otherwise it may be sold and the money used to buy land in another location to use as a graveyard. But it should not be disposed of except with the knowledge of the qaadi (judge) of that area where the land that has been allocated as a waqf is located. The fact that you became less well off after you retired is not valid justification for taking back the waqf. Allah, may He be glorified and exalted, will reward you and compensate you with something better than what you have given. May Allah send blessings and peace upon our Prophet Muhammad and upon his family and companions. End quote.

The Permanent Committee for Academic Research and Ifta’

*Fatawa Islamiyyah* (3/23).