



IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 33 OF 2026

1. Shaikh Ahmed Muzawar, S/o Idris Muzawar, Age 60 years, Indian National, Chairman and Trustee of 'Hazrat Babar Pir Rahmattulla Alle' | /Deus Babor Pir Goa Trust', R/o H.No. 203, Betul, Pirwad, Quepem - Goa

.... Petitioner.

Versus

1. State of Goa, Through the Chief Secretary, Having office at Secretariat, Porvorim — Goa

2. The Deputy Collector & SDO Quepem-Goa, Office of the Deputy Collector& SDO-Quepem- Goa

3. The Superintendent of Police-South Goa, Office of the Superintendent of Police, South Goa District Margao, Salcete — Goa

4. The Police Inspector, Cuncolim Police Station, Cuncolim, Salcete - Goa

5. Jama Tul Muslimeen Pirwada, A Religious Trust, Pirwada, Betul, Quepem - Goa
Represented through Mr. Shaikh Yusuf Adam Muzawar, major of age, R/o Defodills Housing Co-op

Society, 1st Floor, Flat No. 1,
Indona, Davorlim, Margao - Goa

6. Shaikh Adam Babar Yusuf
Muzawar, Major of age, R/o
Defodills Housing Co-op Society, 15t
Floor, Flat No. 1, Indona, Davorlim,
Margao - Goa

7. Shaikh Abdul Munaf alias Abdul
Muzawar Mutalib Muzawar, Son of
Shaik Abdul Mutalib, Major of age,
R/o Betul, Pirwada, Quepem Goa

8. Shaikh Suleman Mussa Muzawar,
son of Shaik Mussa, Major of age,
R/o Coelho Apartment, Flat No. 9,
2nd Floor, Nr. St Sebastian
Church,T.B. Cunha High School,
Aquem Baixo, Margao -
Goa

...Respondents.

Mr Shivan Desai, Advocate (through V.C.) with Ms Riya Amonkar,
Advocate for the Petitioner.

Ms Maria Simone J. Correia, Additional Government Advocate for
Respondents No.1 and 2.

Mr. Anand Shirodkar, Advocate holding for Mr Somnath B. Karpe,
Additional Public Prosecutor for Respondent Nos.3 and 4.

Mr. Dattaprasad Lawande with Mr. Pradosh Dangu, Advocates for
Respondent Nos. 5, 6, 7 and 8.

CORAM: VALMIKI MENEZES &

AMIT S. JAMSANDEKAR, JJ.

DATED: 25th MARCH, 2026.

ORAL JUDGMENT: (Per. VALMIKI MENEZES, J.)

1. Registry to waive office objections and register the matter.
2. Heard Mr. Shivan Desai, Learned Counsel for the Petitioner, Ms Maria Simone Correia, Learned Additional Government Advocate for Respondents No.1 and 2, Somnath Karpe, Learned Additional Public Prosecutor for Respondents No.3 and 4 and Mr. Pradosh Dangui, Learned Advocate for Respondents No.5, 6, 7 and 8.
3. Rule. Rule is made returnable forthwith with the consent of the learned Counsel for the parties.
4. This Petition takes exception to directions contained in a meeting held on 07.04.2025, by the Deputy Collector & SDM, Quepem. The impugned directions contained in the Minutes of the meeting of two rival factions of the community, that claims the right to conduct rituals in the sanctum sanctorum of Dargah which is the Tomb of Holy Sufi Muslim Saint-Deus Babar Pir at Pirwada, Quitol in Quepem Taluka. The impugned directions prohibit the petitioner

from creating any impediments to the worshippers from worshipping at the Dargah within the sanctum sanctorum; the direction specifically directs all parties who were present at the meeting, which include the Petitioner to ensure that no part of the Dargah or sanctum sanctorum shall be locked, such as to deprive devotees from offering prayers and rituals as per their religious beliefs in the sanctum sanctorum. The Petition is limited to the challenge of this specific direction.

5. The Petitioner claims to be one of the three Trustees of the Hazrat Babar Pir Rahmattulla Alle/Deus, Babor Pir/Pir Goa Trust which claims rights over management of the Dargah since inception. This statement has been disputed by the Learned Counsel for Respondents No.5 to 8. The Trust was executed in the year 2009 by the three Trustees, one of whom is the Petitioner.
6. During the hearing of this Petition on 16.03.2026, it was brought to the notice of this Court that the Respondents No.5 to 8, who claim right of worship at the sanctum sanctorum, had filed a Civil Suit No.RCS/16/2025 before the Civil Judge Senior Division at Quepem, in which an application for temporary injunction seeking interim

relief against the Petitioner had been filed; the interim relief sought was to restrain the Petitioner from interfering with the right of the worship of Respondents No.5 to 8 at the sanctum sanctorum of the Dargah. Consequently, since no orders had been passed on the said application, this Court directed the Civil Court on 16.03.2026 to decide the application, which has now been disposed of by Order dated 23.03.2026, which is placed before us.

7. By the said Order, the Civil Court has dismissed the application for temporary injunction filed by Respondents No.5 to 8. The Civil Court has held that the Hazrat Babar Pir Rahmattulla Alle/Deus, Babor Pir/Pir Goa Trust has been in possession of the suit Dargah since the year 2009 and has been managing its affairs since then. The Civil Court has further held in paragraph 14 of its Judgment that the Respondents No.5 to 8 would not be restrained or restricted from entering the Dargah and performing rituals at the Dargah, but the only restriction would be from crossing the barricades into the sanctum sanctorum to maintain decorum. Thus, the Civil Court has for the moment concluded the rights of the Respondents No.5 to 8 and the Petitioner, by declaring that for the moment and until

disposal of the Suit, the Respondents No.5 to 8 would have no right to worship in the sanctum sanctorum.

8. Considering the Orders passed by the Civil Court, the direction given by the Deputy Collector as recorded in the Minutes dated 17.04.2025, would run contrary to the Orders of the Civil Court. Consequently, therefore, the directions to the Petitioner restraining the Petitioner from allowing all worshippers, including Respondents No.5 to 8 to enter the sanctum sanctorum would have to be quashed and set aside. Accordingly, we quash and set aside the said directions.
9. However, we clarify that if the Orders of the Civil Court are challenged further by Respondents No.5 to 8 in any proceedings, and the Order for some reason reversed or set aside, we grant the Respondents No.5 to 8 leave to seek a modification of the present Order by filing such proceedings in this Petition.
10. Whilst disposing of this Petition, we sought clarification from the Petitioner as to what would be the stand taken by the Trust, since the Trust is not a party before us. The Petitioner has filed three affidavits, (Mr Shaikh Ahmed Muzawar- the Petitioner, Mr. Shaikh

Shakir Muzawar and Mr Shaikh Saifulla Muzawar) all three of whom claim to be Trustees of the Hazrat Babar Pir Rahmattulla Alle/Deus, Babor Pir/Pir Goa Trust. In their affidavit, they have stated that the sanctum sanctorum of the Dargah would not be kept open for entry to the worshippers during the Urus festival; however, all worshippers would be permitted to visit the Dargah to offer prayers and offerings. In paragraph 4 of the affidavit, the three Trustees have also stated that all the offerings made at the Dargah by the worshippers shall be placed on the Tomb in the sanctum sanctorum by the representatives/Maulvis authorized by the Trustees. These statements are accepted. The Trustees shall ensure that the statement made in paragraph 4 of the affidavit is strictly complied with.

11. Consequently, we dispose of this Petition, granting Rule in the aforesaid terms.

AMIT S. JAMSANDEKAR, J.

VALMIKI MENEZES, J.