

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

36 CIVIL REVISION APPLICATION NO. 22 OF 2015

**MAHARASHTRA STATE BOARD OF WAKF THROUGH CHIEF OFFICER
AND ANOTHER**

VERSUS

STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Kazi S. S.
AGP for Respondent No. 1 State: Mr.S. M. Jadhav
Advocate for Respondent No.2 : Mr. S. B. Joshi and
Mr. S. B. Joshi

CORAM : S. V. GANGAPURWALA, J.

DATE : 14th September, 2015

PER COURT :

1. The applicant is original plaintiff who has filed Wakf Suit before the Maharashtra Wakf Tribunal, Aurangabad seeking relief of declaration to the effect that 33 Gunthas out of survey Nos. 373 and 374 taken for the Government purpose in the era of Hyderabad Government, belonging to Masjid Osmania, is illegal and for injunction, restraining the respondents from taking up any activity of construction on the suit premises. The application for temporary injunction is rejected. Aggrieved thereby, the present revision.

2. I have heard Mr. Kazi, the learned counsel for

the revision applicant and learned counsel for the respondents.

3. In his affidavit in reply, the Superintendent of Post, Parbhani has made following averments.

"11. That, the answering respondent submits that, the plaintiff herein by way of his temporary injunction application below Exh.5 was seeking injunction on access of public road approaching to District and Sessions Court, Parbhani, which is legally not maintainable. However, in view of completion of road and the entire construction work carried out by government authorities, revision application of the applicant thereby challenging the order of rejection of temporary injunction becomes infructuous. therefore, the present civil revision application deserves to be rejected with costs."

4. Considering the fact that the construction work is already over, the purpose of filing the application becomes redundant. However, it is made clear that whatever construction is carried out during the pendency of the suit would be subject to the decision

of the pending suit. With this observation the civil revision application is disposed of. No costs.

5. Record and proceedings be sent back forthwith to the Wakf Tribunal.

(S. V. GANGAPURWALA, J.)

JPC