

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

924. RA/93/2014 In CRA/168/2012
WITH
RA/94/2014 In CRA/168/2012

SYED SANAULLAH KHATEEB SYED ANWARULLAH HUSSAINI KHATEEB
V/S
MOHD. SHAFIUDDIN MAZHABUDDIN AND OTHERS

Mr. M.W.B. Khan, Advocate for applicant in RA No. 93/2014.

Mr. S.A. P. Quadri, Advocate for applicant in RA No. 94/2014.

Mr. P.N. Mule, AGP for State/respondent No. 9.

CORAM : T.V. NALAWADE, J.
DATED : 11th August, 2015.

ORDER :

1. Both the proceedings are filed for review of the order made by this Court in CRA No. 168/2012. The said CRA was filed to challenge the decision given by Waqf Tribunal in Application No. 36/2012. In the said proceeding, order made by the Chief Officer was challenged and the Waqf Tribunal had dismissed the proceeding filed before it. Heard both the sides in both the proceedings.

2. From the record, it can be said that the possession of agricultural lands was taken over initially in the proceeding filed under section 145 of Criminal Procedure Code by the State Government and then the Waqf Board stepped in. The Chief

Officer made order to give the land for cultivation on yearly basis and this order was challenged. Thus, the scope of the proceeding was limited. While dismissing the CRA, this Court has observed that it is not possible to interfere in the decision given by the Waqf Tribunal as the Tribunal had observed that the parties need to take appropriate steps for establishing their rights. Both the sides could not point out any circumstance like non consideration of any record or making some observations in absence of the record. In view of this circumstances and considering the scope of the review application, this Court holds that it is not possible to review the decision given in aforesaid CRA.

3. In the result, both the proceedings stand dismissed.

4. It needs to be made clear that in the previous proceeding, there was no question of decision on the point of right or interest of any party and so, those points are still open and they can be decided by appropriate forum.

[T.V. NALAWADE, J.]

ssc/