

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

CIVIL REVISION APPLICATION NO. 213 OF 2015

Smt. Shehzadi w/o. Mohd. Yusuf
Ismail Faqueer and Ors.

**....Petitioners.
(Ori. Plaintiffs)**

Versus

The Chief Executive Officer,
Maharashtra State Board of Wakfs,
Aurangabad and Anr.

**....Respondents.
(Ori. Defendants)**

Mr. A.D. Kasliwal, Advocate for petitioners.

Mr. Mobin H. Shaikh, Advocate for respondent No. 2.

CORAM : T.V. NALAWADE, J.
DATED : 30th November, 2015.

ORDER :

1. The revision is filed against judgment and order of Waqf Suit No. 52/2007, which was pending before the Waqf Tribunal, Aurangabad. The suit was filed by present petitioners for relief of declaration and injunction. The order dated 18.4.2007 made by the Chief Officer of the Waqf Board in case No. 17/2005 was challenged and declaration was claimed that the order is illegal, null and void. Relief of injunction was claimed against the Chief Officer of the Waqf Board to prevent him from taking possession of immovable property on the basis of the order dated 18.4.2007. The Tribunal has dismissed the suit. Both

the sides are heard.

2. There is dispute between the petitioners and respondents about the properties bearing C.T.S. Nos. 1199, 1205, 1201 and 1202 situated at Narayangaon, Tahsil Junnar, District Pune. Respondent Hajimiya s/o. Abdul Kadar Qureshi is a Namazi and he is also involved in the management of Shahi Jumma Masjid of Narayangaon. It is his contention that the aforesaid properties belong to this Masjid, they are waqf properties and they are registered under the provision of section 37 of Waqf Act, 1995 (hereinafter referred to as 'the Act' for short).

3. It is the case of respondent that the present petitioners have made encroachment over the above properties and they have somehow got entered their names in the assessment record of Village Panchayat and also in the city survey record of the properties. It was contended by Hajimiya that the petitioners are causing loss to the waqf institution and the encroachment needs to be removed.

4. The Chief Officer took the cognizance of the matter and started proceeding under section 54 of the Act. In the said

proceeding, notices were issued to the present petitioners. The petitioners appeared in the said proceeding and they contested the matter by appointing advocate. By filing say, they contended that the properties are in their possession from their forefathers and they are enjoying the properties as owners continuously and without interruption. They contended that their names are entered in the assessment record of the Village Panchayat since the year 1939 and they have been paying house tax to the Local Body. They denied that they are trespassers. They contended that a proceeding with regard to entry made in city survey record is still pending between the parties and the Chief Officer has no authority, jurisdiction to make the order of eviction against them.

5. After making inquiry, the Chief Officer made order against the present petitioners and gave direction to them to hand over the possession of the aforesaid properties to the Managing Committee of the aforesaid Masjid. The Chief Officer has held that the present petitioners are trespassers and due to their presence on the properties, loss is being caused to the waqf institution.

6. In the suit filed by the present petitioners to

challenge the order of Chief Officer, the Waqf Tribunal has held that the petitioners are trespassers and they are not the owners. The Tribunal has further held that there is no illegality or irregularity in the order made by the Chief Officer and he followed the due procedure established by law. With these observations, the suit is dismissed. Before the Tribunal both the sides gave oral and documentary evidence.

7. Though there is some oral evidence, as there are many important documents, they need to be considered first. It appears that there are two documents like certified copies of sale deeds which were produced before the Waqf Tribunal. Though this record is not exhibited, the petitioners themselves are contending that they are using the properties as owners and they are not disputing that there were such transactions. This record shows that under the registered sale deed dated 30.6.1947 Ismail Balabhai Fakir, the predecessor of the present petitioners had made an attempt to sell some open space of present matter to one Aba Raghu Dalvi, a Hindu person. In the next month itself Dalvi sold back this property to Ismail for getting back the consideration. The contents of the sale deed executed by Dalvi dated 19.7.1947 show that everybody believed that the open space shown to be sold by Ismail

belonged to Shahi Masjid, the aforesaid waqf institution. This document further shows that this open space was situated within the compound of Masjid and it was very much adjacent to Masjid. Dalvi wanted to purchase this space as it was situated adjacent to his property and his property is situated on the southern side of this open space. This record cannot be ignored. In view of the contents of the aforesaid sale deeds, it was necessary for the present petitioners to show that Ismail or his predecessor Fakir were owners of the properties.

8. At Exh. 358, there is the map of Masjid and map shows that on the south of the properties of Masjid, there is property of aforesaid Dalvi. Exh. 84 is map of City Survey Office and it also shows that all the aforesaid suit properties, disputed properties are situated within the compound of Masjid. A well is also situated within the compound of Masjid and this well is beyond the properties of present petitioners and towards extreme eastern side. Petitioners are not claiming ownership over this well and it is clear that this well is in the use of Masjid. There is open space in front of Masjid and the persons are required to use this open space and the road situated on eastern side of Masjid for entering in the campus of Masjid. It appears that before Tribunal also, photographs of this open space were

produced to show that at present due to disputed construction, the people who are coming to offer Namaz are required to stand even on the road situated on the eastern side. This record is sufficient to prove that the disputed structures are situated within the campus of Masjid.

9. The entry made in the register of waqf under the provisions of the Act shows that the Board considered the record like Schedule I of Public Trust bearing No. B-30. This circumstance shows that the property was registered under the Bombay Public Trusts Act prior to its registration under the Act. Under section 43 of this Act, when the property is already registered under the Trusts Act, the property is deemed to be registered from the date of coming into force of the Act under the Act also. The area of space is shown as 582.1 Sq. Mtrs. The boundaries of the map prepared by the City Survey Office show that on the south there is property of aforesaid Dalvi's family. Thus, prior to 1969, prior to the survey of the properties made by the City Survey Office, the properties were shown to be owned by the aforesaid Masjid. The entry made in the register of trust and also entry made in the waqf register are not challenged by the present petitioners.

10. In the year 1969-70 the survey of the properties of that village was made by the City Survey Office. At that time the petitioners were in possession and so, their names were entered though the Masjid was shown as owner. The record shows that in the year 1970 Sayyed Dadamiya Hazi Subhedar had informed to City Survey Office that he was managing the trust. There is such mention in the city survey record of properties bearing C.T.S. Nos. 1201, 1202, 1203, 1200 and 1199.

11. From the record of assessment prepared by Village Panchaya, it can be said that from 1947 till the year 2006 the names of petitioners were shown as owners and also the persons in possession in the record of Village Panchayat prepared for tax purpose. However, in city survey record, the name of Masjid was shown as owner though the present petitioners were shown in the possession of the properties.

12. The record produced by both the sides show that the dispute started prior to 1969. It appears that in the said proceeding, in the year 1969 inquiry was made by the revenue authority and the revenue authority held that the properties belong to Masjid. The record shows that in the year 1990 present petitioners made an attempt to reopen that proceeding to

challenge the orders made in favour of the waqf institution. The petitioners, however, failed in that proceeding. It appears that the names of petitioners are now removed from the city survey record for all purposes.

13. The pleadings in the plaint of the present petitioners need to be considered in the background of aforesaid record and circumstances. In the plaint para No. 5, the plaintiffs, present petitioners have specifically contended that, "One Balabhai Fakir was their ancestor and he was looking after the mosque." It is further contended by the petitioners in the plaint that, "After the death of Balabhai, his son Ismail (his name is mentioned in aforesaid transaction) started looking after the mosque." This part of the pleadings goes long way against the petitioners and this pleading creates clear probability that they were there only because they were taking care of Masjid. However, it needs to be kept in mind that plaintiffs, present petitioners are now not contending that they were Mutawallis and they are entitled to act as Mutawallis. On the contrary, they are claiming ownership over the aforesaid properties. The record shows that atleast till the year 1947, there was no construction and Ismail had tried to sell some open space. If Balabhai and his successors like Ismail were managing the Masjid, the waqf institution, at no stretch of

imagination the property which was owned by the waqf institution could have been claimed by Balabhai Fakir or his successors of their ownership. Mutwalli cannot claim ownership of the property of the religious institution due to adverse possession. Thus, it is not possible for the successors of Balabhai Fakir or Ismail to prove that they have become owners of these properties due to adverse possession. On the contrary, their conduct shows that they are causing loss to the waqf institution. It is already observed that the constructions are within the compound of the Masjid and they are adjacent to Masjid and people are facing all kinds of problems when they come to Masjid for offering Namaz. Petitioners are not paying anything to waqf institution and petitioners are not rendering the services to Masjid.

14. The learned counsel for petitioners placed reliance on the case reported as **2008 (5) ALL MR 462 (S.C.) [T. Kalimurthi & Anr. Vs. Five Gori Thaikal Wakf & Ors.]**. In this case, the Apex Court held that the provisions of sections 107 and 112 of the Act cannot revive extinguished right/claim. It is held by the Apex Court that if prior to coming in to force of the Waqf Act, 1995, the aforesaid provisions, showing that the provisions of Limitation Act will not be applicable against the

waqf properties, the the rights to the suit properties of waqf had extinguished, in view of the provision of section 27 of the Limitation Act, 1963 such extinguished right cannot be revived by section 107 of the Waqf Act, 1995. This proposition cannot be disputed. This Court has already quoted relevant pleadings of the present petitioners in the plaint and also the relevant record. In the present matter, it is not possible for the petitioners to prove that their possession was adverse and they have become owners due to adverse possession.

15. Another case reported as **2004 (3) Bom.C.R. 788 (S.C.) Rame Gowda (dead) by L.Rs. Vs. M. Varadappa Naidu (dead) by L.Rs. and Anr.]** was cited by the learned counsel for the petitioners. In this case, the Apex Court has held that if the trespasser is in settled possession of property, the rightful owner shall have to take recourse to law and he will be required to prove that he has better title for getting the decision of eviction against the person who is in settled possession. There cannot be dispute over this proposition also. There is section 54 of the Act and specific procedure is given for making order of eviction against the trespasser. Further, the order made by the Chief Officer under section 54 of the Act can be challenged before the Waqf Tribunal. The Waqf Tribunal is treated as Civil

Court under the Act and so, there is check to procedure followed by the Chief Officer.

16. In view of the aforesaid circumstances, the learned counsel for respondent, waqf institution placed reliance on the case reported as **2012 ALL SCR 1096 [Maria Margarida Sequeria Fernandes & Ors. Vs. Erasmo Jack de Sequeria (Dead) through L.Rs.]**. In this case, the meaning of "due process of law" mentioned in aforesaid case is given. At para 82, there are observations in that regard and they are as under :-

"82. The High Court of Delhi in a case **Thomas Cook (India) Limited v. Hotel Imperial 2006 (88) DRJ 545** held as under:

"28. The expressions 'due process of law', 'due course of law' and 'recourse to law' have been interchangeably used in the decisions referred to above which say that the settled possession of even a person in unlawful possession cannot be disturbed 'forcibly' by the true owner taking law in his own hands. All these expressions, however, mean the same thing -- ejection from settled possession can only be had by recourse to a court of law. Clearly, 'due process of law' or 'due course of law', here, simply mean that a person in settled possession cannot be ejected without a court of law having adjudicated upon his rights

qua the true owner.

Now, this 'due process' or 'due course' condition is satisfied the moment the rights of the parties are adjudicated upon by a court of competent jurisdiction. It does not matter who brought the action to court. It could be the owner in an action for enforcement of his right to eject the person in unlawful possession. It could be the person who is sought to be ejected, in an action preventing the owner from ejecting him. Whether the action is for enforcement of a right (recovery of possession) or protection of a right (injunction against dispossession), is not of much consequence. What is important is that in either event it is an action before the court and the court adjudicates upon it. If that is done then, the 'bare minimum' requirement of 'due process' or 'due course' of law would stand satisfied as recourse to law would have been taken. In this context, when a party approaches a court seeking a protective remedy such as an injunction and it fails in setting up a good case, can it then say that the other party must now institute an action in a court of law for enforcing his rights i.e., for taking back something from the first party who holds it unlawfully, and, till such time, the court hearing the injunction action must grant an injunction anyway? I would think not. In any event, the 'recourse to law' stipulation stands satisfied when a judicial determination is made with regard

to the first party's protective action. Thus, in the present case, the plaintiff's failure to make out a case for an injunction does not mean that its consequent cessation of user of the said two rooms would have been brought about without recourse to law."

The learned counsel for respondent submitted that there are more observations at para 101 of this case which can be used in the present matter. The learned counsel submitted that as the conditions laid down in this para by Hon'ble Apex Court are not fulfilled, the present petitioners are not entitled to keep the possession. There is force in the submissions made by the learned counsel for the respondent and para No. 101 of the case cited supra is as under :-

"101. Principles of law which emerge in this case are crystallized as under :-

1. No one acquires title to the property if he or she was allowed to stay in the premises gratuitously. Even by long possession of years or decades such person would not acquire any right or interest in the said property.
2. Caretaker, watchman or servant can never acquire interest in the property irrespective of his long possession. The caretaker or servant has to give possession forthwith on demand.
3. The Courts are not justified in protecting the

possession of a caretaker, servant or any person who was allowed to live in the premises for some time either as a friend, relative, caretaker or as a servant.

4. The protection of the Court can only be granted or extended to the person who has valid, subsisting rent agreement, lease agreement or license agreement in his favour.

5. The caretaker or agent holds property of the principal only on behalf of the principal. He acquires no right or interest whatsoever for himself in such property irrespective of his long stay or possession."

17. The learned counsel for petitioners submitted that petitioners cannot be treated as 'encroachers'. The learned counsel for petitioners submitted that the definition of 'encroacher' given by amendment of 1.11.2013 made to the Act cannot be used against the petitioners. He submitted that the definition was introduced in the year 2013, but this definition is considered by the Waqf Tribunal when the order was made by the Chief Officer in the year 2007.

18. The definition of word 'encroacher' given in section 3 (ee) of the Act is as under :-

"(ee) "encroacher" means any person or

institution, public or private occupying waqf property, in whole or part, without the authority of law and includes a person whose tenancy, lease or licence has expired or has been terminated by mutawalli or the Board"

It is true that earlier to 1.11.2013 there was no definition of 'encroacher' in the Act, though there was provision like section 54 in the Act, giving power to Chief Officer to make order of eviction against the 'encroacher'. The provision of section 54 of the Act is as under :-

"54. Removal of encroachment from Waqf property : (1) Whenever the Chief Executive Officer considers whether on receiving any complaint or on his own motion that there has been an encroachment on any land, building, space or other property which is Waqf property and, which has been registered as such under this Act, he shall cause to be served upon the encroacher a notice specifying the particulars of the encroachment and calling upon him to show cause before a date to be specified in such notice as to why a order requiring him to remove the encroachment before the date so specified should not be made and shall also send a copy of such notice to the concerned mutawalli.

(2) The notice referred to in sub-section (1) shall be served in such manner as may be

prescribed.

(3) If, after considering the objections, received during the period specified in the notice, and after conducting an inquiry in such manner as may be prescribed, the Chief Executive Officer is satisfied that the property in question is Waqf property and that there has been an encroachment on any such Waqf property, he may, make an application to the Tribunal for grant of order of eviction for removing such encroachment and deliver possession of the land, building, space or other property encroached upon to the mutawalli of the Waqf.

(4) The Tribunal, upon receipt of such application from the Chief Executive Officer, for reasons to be recorded therein, make an order of eviction directing that the waqf property shall be vacated by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the waqf property :

Provided that the Tribunal may before making an order of eviction, give an opportunity of being heard to the person against whom the application for eviction has been made by the Chief Executive Officer.

(5) If any person refuses or fails to comply with the order of eviction within forty-five days from the date of affixture of the order under subsection (2), the Chief Executive Officer or any

other person duly authorised by him in this behalf may evict that person from, and take possession of, the waqf property."

19. The aforesaid pleadings of the present petitioners show that it is not their case that they are either lessee or tenant or they are licensee. They are claiming ownership over the properties in which they have failed. Only when a person was in possession of waqf property as lessee, tenant or licensee, it was not possible for the Chief Officer to pass order of eviction against him prior to amendment of 2013. As in the present matter, such was not the defence of the present petitioners and as they are not the owners, the Chief Officer did not commit any error in holding that they are 'encroachers'. The Chief Officer followed the procedure laid down in aforesaid section and procedure followed is already quoted by this Court in the present decision. The decision of the Chief Officer is confirmed by the Tribunal which is treated as Civil Court for all purposes.

20. In view of the aforesaid discussion, this Court has no hesitation to hold that there was no need for using the definition of 'encroacher' given in the year 2013 in the Act either for the Chief Officer or for Waqf Tribunal. On this point, the learned counsel for respondent submitted that though the definition was

included in the Act in the year 2013, the word 'encroacher' was already there in section 54 of the Act and so, the definition has not added anything new and so retrospective effect can be given to this amendment. On this point, he placed reliance on the case reported as **AIR 2001 SUPREME COURT 2472 [Shyam Sundar and Ors. Vs. Ram Kumar and Anr.]**. He took this Court through para No. 45 of the judgment, which is as under :-

"45. From the aforesaid decisions, the legal principle that emerges is that the function of a declaratory or explanatory Act is to supply an obvious omission or to clear up doubts as to meaning of the previous Act and such an Act comes into effect from the date of passing of the previous Act. Learned counsel for the appellants strongly relied upon a decision of two Judges Bench of this Court in Mithilesh Kumari Vs. Prem Behari Khare (1989) 2 SCC 95 : (AIR 1989 SC 1247) in support of his argument. In the said decision, it was held by this Court that the Benami Transactions (Prohibition) Act, 1988 being a declaratory Act, the provisions of S.4 of the Act has retroactive operation. The reliance of this decision by the appellants' counsel is totally misplaced as this decision was overruled in R. Raja Gopal Reddy Vs. Padmini Chandrasekharan (1995 AIR SCW 1422 : AIR 1996 SC 238) (supra) wherein it was held that, the Act was not passed to clear any doubt existed as to the common law or the

meaning of effect of any statute and it was, therefore, not a declaratory Act."

21. The learned counsel for respondent placed reliance on some observations made by the Apex Court in the case reported as **AIR 1996 SUPREME COURT 238 (1) [R. Rajagopal Reddy (dead) by L.Rs. and Ors. Vs. Padmini Chandrasekharan (dead) by L.Rs.]**. The portion which is relevant for the present purpose is at para No. 15 and it is as under :-

"15. At this stage, we may also usefully refer to Section 7 (1) of the Act which lays down that Sections 81, 82 and 94 of the Indian Trusts Act, 1882 (2 of 1882), Section 66 of the Code of Civil Procedure, 1908 (5 of 1908), and Section 281-A of the Income-Tax Act, 1961 (43 of 1961), are thereby repealed. We have already seen Section 82 of the Indian Trusts Act which gave almost for a period of a century or more a legal right to the real owner to claim against the purported owner that the consideration paid was by the real owner and the transferee held the property for the benefit of the person paying consideration for supporting the transaction. It is this right which got destroyed by Section 7 of the Act with effect from 19th May, 1988. If any suits or proceedings were pending prior to that date invoking Section 82 of the Indian Trusts Act, what is to happen to such suits is not

answered by Section 4 (1) of the Act or by any other provisions of the Act. We have, therefore, to turn the General Clauses Act, 1897 for finding out an answer. Section 6 of the General Clauses Act lays down "where this Act, or any (Central Act) or Regulation made after the commencement of this Act repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears the repeal shall not-

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act or Regulation had not been passed". It becomes, therefore, obvious that the Act by Section 7 has

effected a repeal of Section 82 of the Indian Trusts Act and while repealing this provision no different intention appears from the Act to affect any right, privilege or liability acquired under Section 82 by either side or any pending proceedings regarding such obligation or liability. Therefore, such pending proceedings will have to be continued or enforced as if the repealing Act had not been passed. A conjoint reading of Section 82 of the Indian Trusts Act and Section 6 (b), (d) and (e) of the General Clauses Act clearly enjoins that if suits are pending wherein the plaintiffs have put forward claims under the then existing Section 82 of the Indian Trusts Act such proceedings are to be continued by assuming that the repealing of Section 82 of the Indian Trusts Act has not been effected in connection with such pending proceedings. Unfortunately, this aspect was not pressed for consideration before the Division Bench and therefore, the view taken by Division Bench is likely to result in an incongruous situation. If a view is to be taken that a pending suit wherein plaintiff might have contended the real consideration flowed from him and the defendant was not the real owner and held that the property benami as per Section 82 of the Indian Trusts Act, 1882, has to be continued by ignoring the present Act, it will be inconsistent with the conclusion reached by the Division Bench. As per the Division Bench such suits must necessarily be dismissed at whatever

stage they might be pending between the parties. Therefore, interpretation of Section 4 (1) by the Division Bench would directly conflict with the legislative scheme emanating from Section 82 of the Indian Trusts Act 1882 read with Section 6 of the General Clauses Act discussed above. Even otherwise, it is now well-settled that where statutory provision which is not expressly made retrospective by the legislature seeks to affect vested rights and corresponding obligations of parties, such provision cannot be said to have any retrospective effect by necessary implication. In Maxwell on the Interpretation of Statutes, 12th Edition (1969), the learned author has made the following observations based on various decisions of different Court, specially in *Re Athlumney* (1898) 2 QB 547 at PP.551,552;-

"Perhaps no rule of construction is more firmly established than this that a retrospective operation is not to be given to a statute so as to impair an existing right or obligation, otherwise than as regards matters of procedure, unless that effect cannot be avoided without doing violence to the language of the enactment. If the enactment is expressed in language which is fairly capable of either interpretation, it ought to be construed as prospective only". The rule has, in fact, two aspects, for it, "involves another and subordinate rule, to the effect that a statute is not to be construed so as to have a greater retrospective

operation than its language renders necessary".

22. In view of aforesaid position of law and in view of the provisions of the Act, which are already quoted, this Court has no hesitation to hold that prior to amendment of 2013 it was necessary for the waqf institution to follow other procedure like termination of lease, tenancy or license and then start proceeding for eviction. Even after the termination of such relationship, it was not possible prior to 2013 to hold that the person in possession was trespasser. Thus, in the past, in such cases, the proceedings under section 54 of the Act could not have been started and the Chief Officer could not have made such order. In that case, the remedy open was to approach Waqf Tribunal, if Waqf Tribunal was in existence or to go to Civil Court. However, in that case also it was necessary to keep in mind the scope of provisions of sections 83 and 85 of the Act. If the period of lease, tenancy or license had expired or there was termination of such relationship, but the waqf institution had not approached Tribunal or Civil Court and the waqf institution wants/wanted to take action to take possession after coming in to force of aforesaid amendment of 2013, then it has become open to it to approach Chief Officer. Thus, the proceedings, if any, were already filed in the Court or Tribunal, could have been protected

in view of the aforesaid position of law. If no proceeding was pending, but the right to keep possession of such person was put to an end, in view of the definition of 'encroacher' given in section 3 (ee) of the Act, it is open to the waqf institution to approach Chief Officer and Chief Officer can use the power given under section 54 of the Act in such cases also after the amendment of 2013. Due to the amendment, only the procedure to take possession is changed. New procedure is created for the categories of matters mentioned in section 3 (ee) also under section 54 of the Act. Thus, to that extent the provision of section 3 (ee) of the Act has retrospective effect.

23. In the present matter, the order was made in the year 2007 by the Chief Officer. There was no question of going to Civil Court or Tribunal as the present petitioners never contended that they are lessee, tenant or licensee. So, there was no need of considering the provision of section 3 (ee) of the Act for Waqf Tribunal also. So, that circumstance cannot be considered in favour of present petitioners in view of the facts and circumstances of the present case.

24. The aforesaid discussion shows that the Chief Officer exercised the power vested in him to make the order and he had

followed the procedure given for making such order. In view of these circumstances, there was no other alternative before the Tribunal than to dismiss the suit. The plaintiffs, present petitioners have failed to prove their ownership and their lawful possession over the suit properties. Thus, there is no possibility of interference in the order made by the Chief Officer and the decision given by the Waqf Tribunal.

25. In the result, the revision stands dismissed.

[T.V. NALAWADE, J.]

ssc/