

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Civil Revision Application No.192 of 2010

Pandurang s/o Raoji Mali.

.. Petitioner.

Versus

Mohd. Ishaque Haji Ahmeddoddin
And Others.

.. Respondents.

With

Civil Revision Application No.193 of 2010

Ramchandra s/o Raoji Mali.

.. Petitioner.

Versus

Mohd. Ishaque Haji Ahmeddoddin
And Others.

.. Respondents.

With

Civil Revision Application No.194 of 2010

Shankar s/o Raoji Mali.

.. Petitioner.

Versus

Mohd. Ishaque Haji Ahmeddoddin
And Others.

.. Respondents.

Shri. V.J. Dixit, Senior Advocate, instructed by Shri. A.M. Dabir, Advocate for the petitioners.

Shri. J.H. Deshmukh, Advocate, for respondent No.1.

Shri. S.A.G. Qureshi, Advocate, for respondent No.2.

Shri. M.G. Mustafa, Advocate, for respondent No.3.

CORAM: T.V. NALAWADE, J.

DATE : 30th NOVEMBER 2015

ORDER:

1) The three proceedings are filed to challenge the decisions of Wakf Tribunal Aurangabad delivered in Wakf Suit Nos.191/2006, 192/2006 and 190/2006 respectively and also to challenge the order of the Chief Executive Officer of Wakf Board dated 18-5-2006. The Chief Executive Officer has made order in inquiry conducted under section 54 of the Wakf Act 1995 and the inquiry was in respect of Case Numbers 848 & 850 to 855 of 2006. The Chief Executive Officer has held that the present petitioners are encroachers on three agricultural lands like Gat Nos.127, 128 and 129 situated at village Golegaon. Tahsil Khultabad, District Aurangabad. These three lands were together forming Survey No.43 in the

past, before implementation of the Prevention of Fragmentation and Consolidation of Holdings Act. The Chief Executive Officer has held that the property belongs to "Daire ki Masjid @ Masjid Kohesham" situated within the premises of Dargah Hazrath Ganerawan Rh, Khultabad. The order of the Chief Executive Officer is confirmed by the Wakf Tribunal in the suits filed by the present petitioners to challenge the said order. Heard both the sides.

2) Present respondent No.1 Mohd. Ishaque Haji Ahmeddoddin, Mutawalli of aforesaid wakf institution had filed complaint application against present petitioners before the Wakf Board. On the basis of this application inquiry was started by the Chief Executive Officer under section 54 of the Wakf Act, 1995 (hereinafter referred to as "the Act"). After considering the material produced by the Mutawalli, initially show cause notice was issued to the petitioners. The petitioners appeared in the proceeding. They filed their say and they contested the matter by appointing a Counsel. The matter was decided by the Chief Executive Officer on merit on 18-5-2006 after

following procedure laid down in the Act. Each of the petitioner is in possession of around 4.33 hectares portion.

3) Before the Chief Executive Officer, present petitioners made following contentions in writing with regard to their rights :

(I) that after introduction of Hyderabad Abolition of Inams and Cash Grants Act, being the heirs of one Raoji Mali, the occupancy rights were granted in favour of the petitioners. They started cultivating these lands as owners since 1-7-1960;

(II) that after implementation of the provisions of the Prevention of Fragmentation and Consolidation of Agricultural Lands Act the names of some Inamdars were initially shown in the record. At the instance of the petitioners correction in the record was made and the names of the petitioners were shown as owners under the said Act by order dated 5-9-1988;

(III) that in the past, persons like Hafiz Ahmeduddin and Sadruddin had filed application before the Assistant Collector Vaijapur against the present petitioners and by order dated 10-12-1979 it was held that these lands are service inam lands dedicated to the aforesaid wakf institution. This order was challenged by the present petitioners by filing appeal and in the decision of the appeal it is held that it is not service Inam land of said Masjid;

(IV) that, in the list of wakf properties published by Maharashtra Government on 22-5-1973 survey No.43 was not shown as property belonging to aforesaid wakf institution. The non inclusion of this property in the said list was not challenged by the concerned in Civil Court as provided in the Act within one year and so the said list has become final and now nobody can say that the property is wakf property;

(V) that, some Inamdars had approached Government of Maharashtra to challenge the entry of names of present petitioners made in the record of rights and the prayer

was made to delete their names from Kabjedar (possession) column. Such order was made by the Government against the petitioners but the order of the State Government was challenged in Writ Petition Nos. 1999/2001, 2011/2001, 2028/2001 in this Court and this Court has set aside the order made by the State Government and the matter is remanded back to the Government and at present the said proceeding is still pending;

(VI) that, in the inquiry of Gunthewari names of present petitioners were entered in the record as owners.

4) Before the Chief Executive Officer both the sides produced material like documents with reference to the aforesaid lands. They filed their written submissions and they participated in the inquiry by appointing counsels.

5) The Chief Executive Officer has considered the record of following nature produced by the wakf institution:-

- (I) Munthkhab No.329 of 1296 Fasli (1886 AD) with translation in English;
- (II) Extract of Inam register of the year 1952 AD;
- (III) Khasra Patrak of the land of the year 1954 AD;
- (V) Copies of 7/12 extracts; and,
- (VI) Copy of Government Gazette dated 15-11-1973.

6) On the other hand, present petitioners produced record like copies of *pahani patrak* of the years 1955-56 to 1957-58, copy of extract of register of Inamdars of the year 1955, copy of judgment of the Deputy Collector Vaijapur dated 27-6-1995, copy of judgment of the Assistant Collector Vaijapur dated 10-12-1979, copy of order made by Sub Divisional Officer Vaijapur on 5-9-1988, copy of list of wakfs of Hyderabad area published by Government of Maharashtra dated 22-5-1973, copy of extract of tenancy register of village Golegaon, copy of judgment of Atiyat Court, Deputy Collector, Vaijapur dated 20-9-2001 and copy of panchanama dated 22-7-2002 showing that present petitioners are in possession.

7) This Court has carefully gone through the record. The record produced for the wakf institution shows that 240 Bighas of land from village Golegaon was dedicated for the service of Masjid. The record shows that in a proceeding which was started in the year 1964 under the Inam Abolition Act it was held that the land was dedicated to this wakf institution and Gulam Jilani was appointed for rendering services. The order shows that the total area of 124 acre 26 gunthas which included present property was dedicated. It appears that in the list published by the Government of wakf properties, Survey No.43 was not published initially but due to this circumstance inference is not possible that Survey No.43 was not the wakf property. If there is other record like mentioned above, nature of the property cannot change. Further, only because in initial survey the property was not detected that does not mean that subsequently such property cannot be included in the list of wakf properties. The Board has power in that regard (see section 40 of the Act). In such a case, it is not necessary to go to Civil Court. Further in such case, Civil Court could not have given direction to make inclusion of the property and the

dispute with regard to properties included in the list could have been considered by Civil Court. It needs to be kept in mind that present petitioners themselves have contended that it was inam property. No other record of Inam is produced by them to show that the property was given to them and they were the Inamdars. Though it is contended that occupancy certificate was granted in their favour, there is no certificate of that nature in favour of the present petitioners and on the contrary the decision in that regard is in favour of the wakf institution and Jilani. In view of the provision of Inam Abolition Act if it was a service inam land dedicated for the service of religious institution, mosque, abolition of such inam was not possible under the Inam Abolition Act. It is clear that false contention in that regard was made by the present petitioners.

8) When the present petitioners have contended that they were Inamdars, occupancy rights were granted to them under Inam Abolition Act, it is not possible for them to contend that they were also tenants of somebody. All the aforesaid contentions made before the Chief

Executive Officer show that, they never contended that they were in possession as lessee or tenant or even licensees. However, the evidence given in the Tribunal and the submissions made show that they tried to show that they were depositing some amount with Tahsildar. A statement was made that they were cultivating the lands on annual *laoni* basis and their possession was continued by revenue authority in view of Circular issued by the Government in that regard. No such record is produced. In view of nature of the property, there is no need to consider such Circular also. The Circular cannot over ride the provisions of the Act.

9) Some orders were made in favour of the present petitioners by revenue authority. If their names were the in the revenue record on the basis of some order of Tahsildar, Deputy Collector etc., such order cannot be recognized in law as the Tahsildar is not the competent authority under the Act to decide nature of the property. In the inquiry, a submission was made before the Chief Executive Officer that the predecessor of the present petitioners was tenant and so the rights of the petitioners

as tenant under the Hyderabad Tenancy and Agricultural Lands Act, 1950 need to be protected. This submission also could not have been accepted as the provisions of the Tenancy Act do not apply to wakf property. The circumstance that no steps were taken under Tenancy Act by the petitioners to get ownership right is sufficient to infer that they knew that they were not the tenants and they cannot get ownership rights under the Tenancy Act.

10) Some record is considered by the Chief Executive Officer showing that some persons holding the lands of the wakf like Survey Nos.29 and 30, had given the land even for cultivation to others and they were making money. Some record with regard to payment made to Tahsildar in respect of these two lands is produced. But there was no such record in respect of land Survey No.43. There was no necessity for the present petitioners to make such payment as they had also created some record by using the proceeding started under the provision of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act. It appears that they had managed to see that names of Inamdars were removed,

survey No.43 was divided and three Gat numbers were given to three portions and these three portions are shown to be owned by the three petitioners. It is needless to mention that such proceeding or order made under such proceeding cannot confer title when it is wakf property. In any case, the dispute was already started and it cannot be said that they were enjoying the rights as owners. It appears that the list which was published on 22-5-1973 by the State Government of wakf properties was then corrected and the present land was also shown to be included in the list. It can be said that there was specific admission given before the Chief Executive Officer that the land was given to Masjid Kohesham and so it was not possible for the present petitioners to prove that they are the owners.

11) The aforesaid discussion shows that the petitioners have been in possession of the aforesaid lands which belong to the Masjid. They failed to prove that they are tenants, lessee or licensee. They had claimed that they had become owner due to adverse possession. When they had specifically contended in many proceedings that they

have paid charges for the use of the land, there was no question of claiming ownership by adverse possession. Thus, there was no other alternative before the Chief Executive Officer than to hold that the petitioners are the encroachers and order is made against them under section 54 of the Act.

12) In Wakf Suit No.191/2006 Pandurang Mali challenged the aforesaid order made by the Chief Executive Officer. He claimed declaration that the order of the Chief Executive Officer dated 18-5-2006 is null and void. He claimed another declaration that Survey No.43 is not wakf property. He claimed one more declaration that he has become owner due to adverse possession of the portion which is in his possession. Similar suits bearing Nos.190/2006 and 192/2006 were filed by his brothers Shankar and Ram Mali.

13) In the suit filed by the three brothers following contentions were made :-

(a) The predecessor of the plaintiffs, present petitioners, was cultivating land Survey No.43 as tenant since 1953;

- (b) One Gulam Jilani was Inamdar and Gulam Jilani was rendering services to Dargah Hazrath Ganjerawan and land Survey No.43 was granted to him for rendering service to this Masjid;
- (c) After coming into force of the Abolition of Holdings and Ceiling Act the plaintiffs started cultivating the land as occupants;
- (d) After death of Gulam Jilani, no succession was granted.
- (e) Some Inamdars filed applications in the year 1979 before the Consolidation Officer and in that proceeding the names of Inamdars were entered in the revenue record and so the names of Jilani and Dargah Hajrath Saheb were entered in Kabjedar column (prior to that the plaintiffs had entered their names as owners at the time of implementation of the consolidation scheme). The order made by the Consolidation Officer in favour of Masjid was confirmed in appeal. It is the case of the plaintiffs that their names were entered in other rights columns as they were in possession.

(f) In Atiyat Inquiry, order was made on 27-6-1995 that survey No.43 was not wakf property as it was not shown in the list of wakf properties published by the State Government on 10-11-1973;

(g) Survey No.43 is not the wakf property. The plaintiffs were cultivating the land as tenant since 1950 and so provisions of Wakf Act 1954 are not applicable to the suit land.

(h) In view of the State Government Resolution dated 19-7-1980 possession of the plaintiffs should not be disturbed as the plaintiffs have been cultivating the land legally since long.

(i) The plaintiffs alternatively contended that the possession of the plaintiffs since 1-7-1968 is adverse to the interests of the Mutawalli and so they have perfected their title as owner over the suit property (this date is given by the plaintiffs on the basis of so called notice given by the Mutawalli through Advocate to terminate the agreement under which the land was given for cultivation).

14) The comparison of the contentions made in the suits and the written say filed by the present petitioners before the Chief Executive Officer shows that before the Chief Executive Officer they had claimed ownership over the suit property. They had also contended that they themselves were Inamdars and occupancy rights were granted to them under the Inam Abolition Act. No case of tenancy was put up before the Chief Executive Officer and such contention was made first time before the Wakf Tribunal. The defence was not of permissive possession and in alternative contention was made before the Chief Executive Officer that they had become owner due to adverse possession. Before the Wakf Tribunal they continued contention that they have become owner due to adverse possession but they took one more stand that they were also tenants. However, before the Wakf Tribunal they admitted both in the pleadings and in the evidence that the land was given to Inamdar for rendering services to the Muslim religious institution, Masjid.

15) Defendant No.1, Mutawalli filed written statement in the suit and he contested the suit. He

contended that he is successor of Gulam Jilani and Gulam Jilani had left behind two sons like Gulam Qasim and Abdul Hasan. He contended that by mistake initially name of Gulam Jilani was entered as owner in the record but the property is wakf property and this mistake was corrected subsequently and Gulam Jilani was shown only as Inamdar, Mutawalli. He contended that plaintiffs had created false record by joining hands with the officers during implementation of consolidation scheme and they had shown themselves as the owner of the suit property. He contended that attempt was also made to show that the property was of the Dargah. He contended that those proceedings were not contested for the wakf institution and so the orders made in those proceedings are not binding on wakf institution. He contended that the entry made in favour of the plaintiffs to show that they were owners of the property were subsequently cancelled. He denied that tenancy rights were given to the plaintiffs by Gulam Jilani and they were in possession from prior to 1950. He contended that the Government Resolution which is referred by the plaintiffs is of no use to the plaintiffs as the property belongs to the Wakf and no

rights of any nature were given by the wakf institution or Mutawalli to the plaintiffs in respect of the lands.

16) The defendant No.1 contended in the suit that as successor of Gulam Jilani he is working as Mutawalli and the Wakf Board has also recognized him as Mutawalli. He contended that the suit property was dedicated to the Masjid under Muntkhab No.329/1296 Fasli (1886 AD). He contended that in *khasara pahani patrak, laoni patrak* of 1358 Fasli (1948 AD) the entry of Mutawalli was made. He contended that in Nanuma No.9 of the village also the suit property was shown as property of the mosque. He contended that in the Government Gazette of 1973 by mistake number of Muntkhab was shown as 529 when it was 329 and the survey number of the present property was shown as 34 when the survey number is 43. He contended that Survey No.34 was not wakf property, this mistake was subsequently corrected.

17) Defendant No.1 contended that Gulam Jilani had given land to the predecessor of the plaintiffs for cultivation for 11 months. It is contended that charges

were paid by the plaintiffs till the year 1974 and then they stopped making payment of the charges. He contended that since then the plaintiffs started making false contention of ownership. He contended that some proceedings were started and in those proceedings Shankar admitted that property belongs to the Masjid and it was service inam land. It is contended that claim of ownership of the plaintiffs was rejected and the claim of tenancy was also rejected in those proceedings. These proceedings were going on till the year 1996.

18) On the basis of the above pleadings, Wakf Tribunal framed issues. Both sides gave both documentary and oral evidence. The Tribunal has held that the suit property is wakf property. The Tribunal has held that possession of the plaintiffs over the suit property is not lawful. The Tribunal has held that the plaintiffs have failed to prove their ownership due to adverse possession. The Tribunal has held that the Chief Executive Officer followed due procedure of law and there is no error in the said order of the Chief Executive Officer.

19) Before the Tribunal the plaintiffs examined themselves. Their evidence is similar in all the proceedings. They gave evidence that they were inducted as tenant of Gulam Jilani, predecessor of defendant No.1. Then they took other stand. They examined one Advocate to prove that one notice was given by the ancestor the defendant No.1 to them to terminate the tenancy right and the notice was dated 1-7-1968. The Tribunal has held that this circumstance is not proved by the plaintiffs. The plaintiffs wanted to prove that after 1-7-1968 their possession became adverse and so they became owner by using this circumstance. Here only, it needs to be mentioned that from prior to 1960 they had contended that their possession was legal and they were paying necessary charges in the treasury as per order of the Collector. Thus there was no force in their contention that from 1-7-1968 their possession became adverse.

20) Defendant No.1 gave evidence that the land was given to Raoji Mali, the predecessor-in-title of the plaintiffs for one year. *Khand* was not paid since 1974. He has given evidence that illegal activities were started by

the plaintiffs like starting proceeding and managing to make entry in the record to show that they have become owners of the suit property. Admittedly there is no record with the plaintiffs to show that they really paid the charges in the treasury or they continued their contract with the Mutawalli and they paid the charges. Their contentions throughout show that till the year 1996 they were not disputing ownership either of Inamdar Gulam Jilani or the wakf institution. The Inamdar himself is not now contending that it is wakf properties.

21) The Tribunal considered the circumstance of granting of succession certificate in favour of defendant No.1, present Mutawalli. The Tribunal considered another circumstance that defendant No.1 is recognised as Mutawalli by Wakf Board. On that basis finding is given that defendant No.1 has *locus standi* and he can represent the wakf institution.

22) The evidence given by the plaintiffs is self contradictory and these inconsistencies are considered by the Tribunal. Many times plaintiffs had claimed that they

are owners as occupancy right were given to them under the Tenancy Act. In other proceedings on the other hand, they had contended that they have tenancy rights. There is no record to show that after implementation of Hyderabad Tenancy Act steps were taken by the plaintiffs to get rights given under the Tenancy Act. They also contended that they had obtained the land from the Collector on "*Ek Saal laoni*" basis. Here only it needs to be mentioned that there could not have been tenancy in favour of the plaintiffs in view of the nature of the Inam. Thus, the plaintiffs were not certain about nature of their possession. They could not produce any record with regard to their right on the basis of which they can be allowed to continue their possession. On the other hand there is voluminous record to show that the property is of Masjid and it is wakf property.

23) The Tribunal has considered the mischief played by the plaintiffs at the time of implementation of the consolidation scheme. They made attempt to claim ownership of the land. When the land belongs to the Masjid and it was in one piece, contrary to the intention

behind the Consolidation Scheme, they created 3 portions, 3 Gat numbers for three successors of Raoji and they were able to show themselves as owners when there was the record of Inam. Admittedly these entries were subsequently cancelled.

24) In view of the provisions like Section 1(2)(i) of the Inam Abolition Act, it was not possible to abolish the inam in respect of the suit property which was dedicated to religious institution. In view of provision of section 102-A of the Hyderabad Tenancy Act it was not possible to give tenancy to the plaintiffs under that Act as the property belongs to religious trust, wakf.

25) It appears that some mistake was committed when the list of wakf properties was published by the State Government in the year 1973. Much was argued by the learned Senior Counsel on this circumstance. He submitted that in view of the provisions of the Wakf Act the list ought to have been challenged in Civil Court by Wakf Institution within one year from the date of publication of the list. This submission is not at all

acceptable. Provision of Section 27 of the old Wakf Act and the provision of section 40 of the new Wakf Act show that at any time inquiry can be held by the Wakf Board under the Act to ascertain the nature of the property and power is given to the Board to decide as to whether it is wakf property. If by mistake, property is not included in list, that does not mean that limitation will start after publishing the list by the State Government. If the property is not shown in the list, it is up to the interested parties to take steps for inclusion of the said property in the list of wakf properties. On this point reliance can be placed on a case reported as **(2001) 8 SCC 528 (T.N. Wakf Board v. Hathija Ammal)**.

26) The record shows that there were many proceedings going on between the parties and the plaintiffs tried to create all kinds of complications.

27) Learned Senior Counsel argued for the petitioners that due to law of limitation, the right of the wakf institution in the suit property is lost. He submitted that for many years the plaintiffs, present petitioners,

have been in possession continuously and as action was not taken within time prescribed by the old Limitation Act, the right to recover the property is lost in view of section 27 of the Limitation Act. He submitted that the right itself was lost by the wakf institution prior to amendment made in the Wakf Act to delete provision of limitation. On facts this submission is not at all acceptable and the relevant facts and circumstances are already mentioned. The Tribunal has considered this point from all the angles. The Tribunal has rightly given much importance to the various admissions given by the plaintiffs in the pleadings and in evidence. Though there are some decisions of some revenue officers they were not empowered to give such decisions and the matter could have been dealt with only under the Wakf Act. In the last proceeding, which was concluded in the year 1996 before the Revenue authority, to protect the possession Shankar Mali had given statement that the possession was permissive and they were paying charges in treasury for more than 10 years after 1979. He had given statement that they had stopped making payment of *thoka* as they did not know as to who was the Mutawalli. It appears that succession was not

immediately granted after the death of Gulam Jilani and this circumstance was misused by the plaintiffs. In any case due to aforesaid admission given in many proceedings by the plaintiffs it cannot be said that they were claiming adverse interest against the wakf institution. On the contrary, they were interested in keeping possession and for that they tried to use the aforesaid Government Resolution of the State Government also. Thus, the Tribunal has rightly dismissed the claim of the plaintiffs of ownership due to adverse possession. These circumstances and the conduct of the plaintiffs of claiming adverse interest now is sufficient to use provision of section 54 of the Wakf Act against them.

28) The learned Senior Counsel for the petitioners placed reliance on some reported cases. In the case reported as **AIR 1979 SC 289 (The Board of Muslim Wakfs, Rajasthan v Radha Kishan)** the Apex Court has discussed provisions of old Wakf Act, 1954 and also the new Act and the procedure which is required to be followed for inclusion of property in the list of wakfs is discussed. The Apex Court has discussed the rights of

strangers as the point of limitation was involved in that matter against the stranger to challenge the inclusion of the property in the list. The facts of reported case show that he was neither a mutwalli nor a person interested in the wakf and so the period of limitation provided in the Act was not applicable against him. There cannot be dispute over this proposition.

29) Learned Senior Counsel then placed reliance on a case reported as **1999 (3) Mh.L.J. 966** (Bombay High Court) (**Syed Samiullah v. State of Maharashtra**). In this case one circular of the State Government similar to the present circular was considered and protection of that circular was given to the persons in possession. The facts were totally different. It was observed that though provisions of Tenancy Act cannot be applied, protection can be given to the persons in possession in view of such circular. In that case tenancy rights were given to a person and he committed default in making payment of rent. Proceeding was started for possession under the Hyderabad Tenancy and Agricultural Lands Act 1950 by the Inamdar and possession was protected under the

circular.

30) In the case reported as **2000 MCR 681 (Mehmooda Begum vs. State of Maharashtra)** the Circular of the State Government was considered but the Court refused to give protection by holding that after the relevant date, the tenants were put in possession. It was further observed that such circular is not mandatory and that only gives the guidelines and it is up to the authority to use discretion.

31) Learned Senior Counsel placed reliance on a case reported as **AIR 1999 SC 3374 (Wakf Board, Andhra Pradesh v. Biradavolu Ramana Reddy)**. In this case the property was not covered by the definition of public wakf and so extension of period of limitation under section 3 was considered. In view of the facts and circumstances of that case it was held that the extended period of limitation of thirty years inserted by Amendment Act of 1984 cannot be used if the period prescribed by the by the old Act had already expired from the date of cause of action. Provision of section 27 of the Limitation Act

was also considered. There cannot be dispute over this proposition. On facts this point is already discussed.

32) In the case reported as **AIR 2009 SC 940 (T. Kalamurthi v. Five Gori Thaikal Wakf)** same point is discussed and section 107 of the Wakf Act 1995 is discussed which has removed the bar of limitation. Similar observations are made. In that case there was transaction of alienation of property and there was question of use of limitation provision for setting aside the said transaction. Thus the facts of this reported were different.

33) In the case reported as **(2006) 10 SCC 696 (M.P. Wakf Board v. Subhan Shah)** the Apex Court has discussed provision of section 6 of the Wakf Act, 1995. Difference between the powers of the Tribunal and powers of the Board is pointed out by the Apex Court. The powers of the Wakf Board under section 27 of the Wakf Act 1954 are also discussed. There cannot be any dispute over this proposition. This Court has already discussed this point when this Court referred to the powers of the Wakf Board.

34) In the case reported as **(2001) 8 SCC 528 (T.N. Wakf Board v. Hathija Ammal)** the Apex Court has discussed the powers of Wakf Board under the Wakf Act, 1954 and the procedure which is required to be followed by Wakf Board. This case is already referred by this Court to mention the powers of Wakf Board to make inquiry and include property in the list of wakfs at any time if such inquiry was not made in the past.

35) In view of the aforesaid discussion, this Court holds that the Chief Executive Officer has not committed any error in passing the order against the present petitioners to hand over the possession of the property and the Tribunal also has not committed any error in dismissing the suit filed for aforesaid reliefs. Considering the scope of revision, this Court has no hesitation to hold that entire material is considered by the Wakf Tribunal and there is no perversity in the decision given by the Wakf Tribunal. The Chief Executive Officer has also followed the procedure established for such inquiry.

36) All the civil revision applications stand dismissed.

37) Learned Senior Counsel for the petitioners submitted that the petitioners want to challenge this decision. Learned Senior Counsel for the petitioners requested to continue interim relief and he submitted that this Court had granted interim relief. It appears that this Court, other Hon'ble Judge has granted interim relief subject to payment of some amount like amount of Rs.25000/-. That amount is deposited. The area which is in illegal possession of the present petitioners is huge. The other side has strongly opposed this request and submitted that the Wakf Institution has sustained huge loss and nothing is paid to the institution. Only because the stay was granted by this Court, it is extended for five weeks further.

Sd/-
(T.V. NALAWADE, J.)

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