

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.919/2015

Yusuf Usman Ghani Nagani

...Versus...

Chief Executive Officer, Maharashtra State Board of Waqf, Panchakki, Aurangabad
and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Dabadghao, Advocate for petitioner
Shri Firdos Mirza, Advocate for respondent no.1
Shri R.S. Akbani, Advocate for respondent no.3

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 07.10.2015

By this petition, the petitioner seeks a declaration that the respondent no.3 is illegally holding the office of the Mutawalli and therefore, a suitable person should be appointed as Mutawalli to administer the Wakf. Directions are sought against the respondent – Wakf Board to take steps for conducting the elections for appointment of the trustees of the Wakf Management Committee of the Dargah.

Shri Mirza, the learned Counsel for the respondent no.1 – State Board of Wakf states, on instructions, that an order has been passed by the respondent no.1 – Wakf Board on 23.9.2015, directing fresh elections to the Wakf Management Committee. It is stated that an *ad hoc* committee is appointed by

the respondent no.1 and the petitioner is one of the members of the *ad hoc* committee as could be seen from the order dated 23.9.2015. It is stated that the Regional Wakf Officer, Nagpur Division, Nagpur is directed to hand over the possession of the said Dargah to the *ad hoc* committee till the finalization of the election.

In view of the statement made on behalf of the respondent no.1, the grievance of the petitioner should stand redressed as the petitioner was aggrieved by the action on the part of the respondent no.3 in holding the office of Mutawalli and the delay in conducting the elections to the Wakf Committee. Since the elections are directed to be held and since an *ad hoc* committee is appointed, the grievance of the petitioner should stand redressed.

In view of the aforesaid, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar