

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

Writ Petition No.5589 of 2014
(Badi Masjid Committee, Nagpur, and another v. Dost Muhammed Gulam
Muhammed)

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

Shri Mohd. Ateeque, Advocate for Petitioners.
Shri A.J. Thakkar, Advocate for Respondent.

Coram : R.K. Deshpande, J.
Dated : 18th February, 2015

Shri Ateeque, the learned counsel appearing for the petitioners, makes a statement that the respondent shall not be evicted illegally without getting an order from the Competent Authority or the Court.

It is not in dispute that the proceedings under Section 54 of the Wakf Act, 1995 have already been initiated by the petitioners against the respondent. The respondent is at liberty to fight out the said proceedings and raise all such grounds as are permissible in law, including that there is a relationship of “landlord and tenant”, and the jurisdiction of the Wakf Board is not available.

In view of the aforesaid position, Shri Thakkar, the learned counsel appearing for the original plaintiff, who is the respondent herein, seeks permission to withdraw the suit.

Hence, the respondent/plaintiff is granted permission to withdraw Regular Civil Suit No.165 of 2013 pending in the Small

Causes Court, Nagpur, with liberty to raise all such grounds in appropriate proceedings.

The petition, therefore, does not survive, and the same stands dismissed as such.

Judge.

Lanjewar