

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

7 CIVIL REVISION APPLICATION NO. 26 OF 2016

DAUD S/O NABISAB TASHAWALE AND ORS
VERSUS
BUDAN SHAH S/O MADAR SHAH AND ANOTHER

...

Advocate for Petitioners : Mr. Dalvi Uday D
Advocate for Respondent No.1 : Mr. V. M. Yelnoorkar
Advocate for respondent No.2.: Mr. Sameer Shaikh

CORAM : T. V. NALAWADE, J

DATE : 21st April, 2016

PER COURT :

1. Seen the order dated 05.04.2016. Learned counsel for the applicant submits that he is not interested in prosecuting the matter as he feels that due to the order made by the Chief Officer that Mutawalli has right to stay there. He feels that in view of policy, the place which is meant for use as Idgah will not be used as Idgah. This apprehension is not well founded. If there is wakf property and is dedicated for its use as Idgah, it is up to the Wakf Board to decide as to when and as to which portion of it can be used as Idgah at any time. Even Mutavali cannot come in the way of policy decision taken by the Board in that regard.

2. With this observation, the application is disposed of as withdrawn.

3. If the wakf board is taking such decision, the observations made above will not come in the way of Wakf Board and Mutawalli.

(T. V. NALAWADE, J.)