

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

WRIT PETITION NO. 1957 OF 2015

Shaikh Akbar Shaikh Hasan & Ors. .. Petitioners..

Versus

The State of Maharashtra & Ors. .. Respondents

.....
Mr. Nilkanth P. Bangar, Advocate for the petitioners
Mr. P. S. Patil, AGP for respondent/State
Mr Sambhajirao S. Tope, Advocate for respondent No. 2
Mr H. I. Pathan, Advocate for respondent No. 3
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**CORAM : A.V.NIRGUDE &
V.L. ACHLIYA, JJ.**

DATED : 04.05.2016.

PER COURT :

. The petitioner assails the order dated 26/12/2014 whereby the C.E.O. of the Maharashtra Wakf Board had asked the Tahsildar to cancel mutation entries in respect of land Survey No. 142 situated at Ladgaon, Vaijapur, Dist. Aurangabad. Mr. Bangar, learned counsel for the petitioners states that the petitioners are days of their forefather. The mutation entry is also sanctioned bearing No. 449/1, 449/4. According to the learned counsel, the C.E.O. directly issued communication to the Tahsildar to cancel mutation entries in the name of the petitioner.

2. Mr. Pathan, learned counsel appears for respondent No. 3 and submits that the C.E.O. is empowered under the provisions of the Wakf Act as per Government Resolution dated 13/7/2010 for directing to incorporate the name of Dargah.

3. It is trite that when a revenue authority is intending to cancel a mutation entry, the same cannot be done without hearing the parties in whose favour of the mutation entry stands.

4. We dispose of the Writ Petition with observation and direction that the Tahsildar or any such authority dealing with the mutation entry in respect of the mutation as it stands today in the name of petitioner shall not change said mutation entry without giving notice to the petitioner and/or interested persons and shall hear them before competent Court of law as the case may be. With these observations and directions, writ petition is disposed of. No costs.

[V.L.ACHLIYA, J.]

[A.V. NIRGUDE, J.]