

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

WRIT PETITION NO. 1286 OF 2013

Shamshoddin S/o. Sujauddin Khatib .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri G. R. Syed, Advocate for the Petitioner.

Shri S. M. Ganachary, A.G.P. for the Respondent No. 1.

Respondent No. 2 served.

**CORAM : S. V. GANGAPURWALA AND
 K. K. SONAWANE, JJ.**

DATE : 06TH JUNE, 2016.

PER COURT :

. We have heard Mr. Syed, the learned counsel for the petitioner who submits that the name of the petitioner was not included in the voters list for the elections of the Maharashtra State Board of Wakf from the category of Mutawalli. Because of the same, the petitioner could not contest the election. The petitioner's name was included in the voters list published for the elections of Member of the Maharashtra State Board of Wakf from the category of Mutawalli in the year, 2012. However, on 20th January, 2013 the communication was made to the petitioner that the name of petitioner could not be included in the final voters list as the institution of which the petitioner is Mutawalli is not registered U/Sec. 36 of the Wakf Act. The said communication is per-se illegal.

2. We have heard the learned Assistant Government Pleader also.
3. When the petition was filed, the results of the election were not declared, subsequently the results of the elections are also declared. The same is undisputed fact.
4. As the results of elections from Mutawalli category have been declared and further process has been undertaken, the same cannot be agitated in the present writ petition.
5. The petitioner is at liberty to avail such other proceedings as is permissible in law with regard to the election of the successful candidate from the Mutawalli category. The Writ Petition as such is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]