

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

**WRIT PETITION NO. 3661 OF 2015**

Ordinance Factory Varangaon,  
District Jalgaon

...PETITIONER

versus

The State of Maharashtra and others

...RESPONDENTS

.....  
Mr. Bhushan B. Kulkarni, Advocate for petitioner  
Mr. S.M. Ganachari, AGP for respondents No. 1 and 2  
Mr. Qureshi Shaiklal Abdul Gaffar Advocate for respondent No. 3  
.....

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

**DATED : 18<sup>th</sup> JULY, 2016.**

**Order :-**

1. Mr. Kulkarni learned counsel for the petitioner states that writ land is belonging to the petitioner. The petitioner had moved Chief Officer with regard to the structure registered with wakf, however, the same is not decided as yet.

2. Mr. Qureshi, learned counsel for respondent No. 3 submits that respondent No. 3 is deemed to have been registered with wakf, in view of Wakf Act, 1995. If petitioner has any grievance, it has remedy to approach Tribunal under section 83 of the Wakf Act, 1995.

3. None appears for respondent No. 2 though served. On last date, we had requested Mr. Qureshi, learned counsel to intimate Board about Board being not represented in the matter. Learned counsel submits that pursuant thereto he has intimated the Board.

4. It appears that application was given by the petitioner (Exhibit-E). Cognizance of the said application was taken by respondent No. 2 and he has also issued notice to the petitioner and respondent No. 3 to remain present for hearing. However, it appears that subsequently the same has not been taken to its logical end.

5. As cognizance of the application filed by the petitioner is taken by respondent No. 2, we need not to go into the merits of the contentions of the parties. Respondent No. 2 shall take decision pursuant to application (Exhibit-E) and notice issued by respondent No. 2 (Exhibit-H) after hearing parties concerned, as expeditiously as possible, preferably within a period of six months from the date of the order. It is made clear that all the contentions of the respective parties are kept open.

6. With aforesaid directions, writ petition stands disposed of. No costs.

Sd/-

**[ K. K. SONAWANE, J.]**

Sd/-

**[S. V. GANGAPURWALA, J.]**

MTK