

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

**916 CRA NO. 58 OF 2016
WITH
CRA/59/2016
WITH
CRA/60/2016**

RAFIQ TAYYAB LAKDAWALA

VERSUS

**GULAM MAHAMMAD ABDUL WAHAB
AND ORS.**

.....

Mr. N.R.Shaikh, Advocate for Applicant.

Mr. S.B.Talekar, Advocate for R – 1.

Mr. M.A.Khan, Advocate for R – 7 to 9.

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CORAM : T.V.NALAWADE, J.

DATE : 29th JUNE, 2016

ORAL ORDER :-

. The proceedings are filed to challenge the Judgment and Order of Waqf Tribunal given in Application No. 6/2013, etc. filed to challenge the order made by the Chief Executive Officer. Heard both sides for some time for the purpose of admission purpose only.

2. The Order made by the Chief Executive Officer

to register 2 separate wakf institutions was challenged in all the applications. The Wakf Tribunal has held that the applicants were apparently managing the wakf property and they were entitled to the notice under the provisions of Section 36 of the Wakf Act. As there was no such notice, the Tribunal has set aside the order and the matter is remanded back for fresh enquiry.

3. The arguments advanced shows that initially the property was registered under Bombay Public Trust Act in the year 2002. All the properties mentioned in the proceedings were registered as trust properties of one Trust institution. It appears that 2 groups are now there and the group of present applicant is trying to establish that they were managing some property separately and so it is separate religious institution. In view of the admitted circumstance that all the properties were registered in the Trust office as the property of one institution, in view of the provision of Section 43 of the Wakf Act, apparently there was no room for the wakf board to create the separate religious institution. The case of the applicant that separate religious institution needs to be registered, can be considered only after hearing of the other parties, who were also managing the properties of one religious institution which was registered under the Bombay Public Trust Act.

4. In view of this position of law and the facts and circumstances of the cases, this Court holds that there is no merit in the Revisions.

5. In the result, all the Revisions stand dismissed. In view of disposal of Revisions, Civil Applications do not survive and stand disposed of.

[T.V.NALAWADE, J.]

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