

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

1 CRA NO. 89 OF 2016

**SYED MUSHTAQ AHMED KHATIB
S/O SYED ASHFAQ AHMED KHATIB**

VERSUS

**THE MAHARASHTRA STATE BOARD
OF WAKF THROUGH ITS CEO,
AURANGABAD OFFICE AT PANCHAKKI,
AURANGABAD & ORS.**

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Mr. Rajendra Deshmukh with Mr. Amol Joshi h/f

Mr. S.A.P. Quadri, Advocate for Applicant.

Mr. M.M.Mulla, Advocate for R – 1.

Mr. M.B.W.Khan, Advocate for R – 3 to 5.

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CORAM : T.V.NALAWADE, J.

DATE : 4th JULY, 2016

ORAL ORDER :-

. Learned counsel for the applicant argued firstly on merit and then submitted that if there is technical problem like withdrawal of the previous Civil Revision Application by the applicant which was filed against the order of temporary injunction made on merit, then this Court may allow the applicant to withdraw the present proceeding and give direction to the Wakf Tribunal to expeditiously dispose of the present matter and also the connected matters regarding management of the religious institution which are presently pending before the Wakf Tribunal. The connected matters,

according to him, are Wakf Suit Nos. 33/2016 and 34/2016.

2. It appears that in one matter, this Court [other Hon'ble Judge] had held that the Tribunal was not constituted properly and so the proceedings were not tenable before the Tribunal. Due to such finding given, the Suits filed by the applicant were returned by the Tribunal and they were presented before the Civil Court. The aforesaid decision given by this Court was challenged before the Supreme Court and the Supreme Court has set aside the aforesaid decision of this Court. Due to this circumstance, the Civil Court returned the complaints and again the dispute came back to the Wakf Tribunal. In the past, one order made by the Tribunal of the nature of temporary injunction was challenged by filing Revision and as there was decision of this Court of aforesaid nature, the said Revision was also withdrawn [C.R.A. No. 141 of 2015]. It can be said that due to aforesaid circumstances, the present applicant could not prosecute the matter in this Court on merit. However, the applicant is interested in getting the decision of entire matter on merit as early as possible.

3. In view of these submissions, this Court holds that the Wakf Tribunal needs to expeditiously dispose of the aforesaid Suits, within 4 months from the date of this order.

4. Civil Revision Application stands disposed of as withdrawn.

[T.V.NALAWADE, J.]

