

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9494 OF 2010

THE MUNICIPAL CORPORATION OF THE CITY SOLAPUR
VERSUS
DADAMIYA MAHEBOOB SHA MURSHAD AND ORS

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Advocate for Petitioner : Shri Shinde S.S.
Advocates for Respondents 1 to 5 : S/Shri Afzal Husain
and Shri Qureshi S.A.P.
AGP for Respondents 6 to 8 : Shri Korde D.R.
Advocate for Respondent 9 : Shri Qureshi S.A.G.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 09, 2016
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PER COURT :-

1. The petitioner is before this Court challenging an interlocutory order of status quo, dated 21.7.2010, passed by the Waqf Tribunal in RCS No.10 of 2009.
2. By an ad-interim order, dated 9.12.2010, the pending suit was stayed. As a consequence, the said suit has been stayed for about 5 years and 3 months.
3. The petitioner / Corporation submits that it no longer requires the land used as Kabrastan for its road widening purpose. However, it desires to remove the encroachment / illegal structure on the suit land at the earliest. It is submitted that the original plaintiffs have indirectly, assailed the notices issued by the petitioner for removal of illegal structures.
4. In the light of the above, I am of the view that ends of justice would be met by directing the Waqf Tribunal to decide RCS No.10 of 2009 on its own merits and by considering all contentions of the litigating sides, expeditiously.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2
WRIT PETITION NO. 9494 OF 2010

5. In the light of the above, this petition is disposed off with a direction to the Waqf Tribunal to decide RCS No.10 of 2009 as expeditiously as possible and preferably on/or before 31.12.2016. Needless to state, the objection of the defendants that the Waqf Tribunal has no jurisdiction to deal with RCS No.10 of 2009 shall be considered on its merits.

(RAVINDRA V. GHUGE, J.)

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