

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

5 CIVIL REVISION APPLICATION NO. NO. 232 OF 2014

SYED BASHIR SYED NOOR

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND OTHERS

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Advocate for Petitioner : Mr. Quadri S.A.P.

AGP for Respondents State: Mr. S. D. Kaldate

Advocate for Respondent No.6 :Mr. Sameer S. Patel

Advocate for Respondents 8 to 11 :Mrs. S. P. Chate

CORAM : T. V. NALAWADE, J

DATE : 21st April, 2016

O R D E R :

1. The revision is filed to challenge the order made in Wakf Suit No.10/2014 by the Wakf Tribunal, Aurangabad on Exh.11. Both sides are heard.

2. The suit is filed by the present applicant against the revenue officer and also the Wakf Board for relief of injunction. It appears that, some proceeding is started by the applicants of Exh.11 before the revenue authority in respect of the suit property and to prevent the revenue authority from making any order in the said proceeding, the suit is filed. In view of the circumstance, the persons who are trying to get some orders from the revenue authority, made application at Exh.11 in the wakf suit

pending before the wakf tribunal. The wakf tribunal held that those are the persons interested in wakf property and directed to add them as defendants.

3. The learned counsel for the applicant submitted that the applicant is successor of original Mutawalli and also Sajjada Nasheen. He submits that dead bodies of persons other than successors of original saint cannot be buried there.

4. Fortunately, the wakf tribunal has not made any order of injunction against the revenue authority. All these points can be decided by the wakf board and also by the revenue authorities in the proceedings pending before them. As the suit was filed only to protract the matter, the decision of revenue proceeding which was started, it can be said that the applicants of application Exh. 11 have right to make their submissions in the suit. No error is committed by the wakf tribunal in allowing the application Exhibit-11. The revision application stands dismissed.

(T. V. NALWADE, J.)

JPC