

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

CIVIL REVISION APPLICATION NO. 206 OF 2016

Peersahab Maheboob Peerzade Patel
and others ...Applicants

Versus

Maharashtra State Board of Wakf
through Chief Executive Officer,
Aurangabad and others ...Respondents

...

Mr. V. J. Dixit, Senior counsel i/b
Mr. Nagargoje Ankush N., Advocate for applicants
Mr. U. D. Dalvi, Advocate for respondent no. 3

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CORAM: SUNIL P. DESHMUKH, J.

Date: 13th December, 2016

PER COURT:

1. Heard Mr. Dixit, learned senior counsel for the applicants, and Mr. Dalvi learned counsel for caveator-respondent no. 3.

2. Learned senior counsel for applicants apprehends that the observations in the impugned order would be detrimental to applicants since that would tantamount to accepting status of respondents no. 3 and 4 as Mutawalis.

3. Learned senior counsel purportedly points out the factual position relying on the earlier proceedings and submits that the observations can not be said to be borne out from record and impugned order passed by the tribunal, is thus unsustainable.

4. Having regard to that the matter, pursuant decision rendered by the tribunal, has been kept for decision in respect of change report before Wakf Board, it is not desirable to cause interlude. I do not see that for the concern shown by applicants the impugned order requires any correction at this stage. It is for the parties to explain the error in observations before the authority referring to record and material and take care of the same and make submissions with regard to the observations as have been made in the impugned order.

5. Civil Revision Application, as such, stands disposed of.

6. Learned senior counsel submits that status quo which is operating since long time may be continued.

7. As such, the status quo as had been granted by this court to continue to operate till the disposal of change report by the Wakf Board.

(SUNIL P. DESHMUKH)
JUDGE

VDK