

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

905 CRA NO. 274 OF 2015

MOMINPURA MASJID, MOMINPURA PATUR THR.
TRUSTEES1)MOHAMMED HUSSAIN S/O MOHAMMED YA
VERSUS
1)MOHAMMED HUSSIAN S/O MOHAMMED KASAM AND OTHERS

...
Advocate for Petitioner : Quadri S.A.P.
Advocate for Respondent 1 : S.S. Kazi
...

CORAM : T.V. NALAWADE, J.
DATED : 20th July, 2016.

ORDER :

1. Heard the learned counsel for petitioner. The order of remand made by the Tribunal on 2.3.2013 is challenged in the proceeding and the proceeding was filed in the year 2015, after more than two years of the order of remand. The Waqf Board must have made some progress in making inquiry of the matter which is with regard to the change report. It appears that the present petitioners are there on the record as persons managing the institution. It appears that the respondents, who succeeded before the Waqf Tribunal, have filed one more proceeding to challenge the change report which is accepted by the Trust Office. As yet no order is made by Waqf Tribunal in that challenge.

2. In view of these circumstances, both sides are at liberty to move Waqf Board or Waqf Tribunal for making appropriate order as for the same dispute matter was remanded back to the Waqf Board and now one more proceeding is entertained by the Tribunal for consideration of challenge to the change report. The learned counsel for petitioner submitted that on the basis of proceeding recently filed, the respondents are interfering in the management of the petitioners. There is liberty to move appropriate proceeding before the Waqf Tribunal. In the aforesaid terms, the revision is disposed of.

3. The Waqf Tribunal may decide as to whether the proceeding before it should go on and the Waqf Board can also continue the inquiry. This is to be done within a period of two months from today by the Tribunal.

[T.V. NALAWADE, J.]

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