

IN THE HIGH COURT OF BOMBAY AT GOA.**Writ Petition No. 840/2016**

- 1 MR. SHAIKH HASSAN,
SON OF MR. XEC ISMAIL,
MAJOR OF AGE, INDIAN
NATIONAL, RESIDENT OF H.
NO.54, RUA DE SAUDADE,
PAJIFOND, MARGAO – GOA.
- 2 MR. FAYYAZ AHMED
SAUDAGAR,
SON OF MR. MOHAMMAD
YASSIN,
MAJOR OF INDIA, INDIAN
NATIONAL,
RESIDENT OF H.NO.2902,
OPP.RAM MANDIR, TALEBAND,
AQUEM, MARGAO-GOA.
3. MR.XEC MAIBUB
SON OF MR. XEX ISSUB,
MAJOR OF INDIA, INDIAN
NATIONAL,
RESIDENT OF H.NO.243,
SIRVODEM-NAVELIM,
SALCETE-GOA.
4. MR.SHAIKH ABDUL KARM,
MR.XEC HASSAN,
MAJOR OF INDIA, INDIAN
NATIONAL,
RESIDENT OF H.NO.122/B,
BAGA DAVORLIM, MARGAO – GOA.
5. MR.SHAIKH MOHAMMED SHAFI,
SON OF MR. XEC HASSAN,
MAJOR OF INDIA, INDIAN
NATIONAL,
RESIDENT OF H.NO.297,
MALBAT, MARGAO-GOA.
6. MR. SHAIKH MOHAMMED SIDDIK,
SON OF MR. XEC HASSAN,
MAJOR OF INDIA, INDIAN NATIONAL,
H.NO.297, MALBAT,

MARGAO-GOA.

7. MR. SHAIKH MUSHTAK AHMED,
SON OF MR. XEC HASSAN,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF H.NO.297, MALBAT,
MARGAO-GOA.
8. MR. SHAIKH DAUD SAB,
SON OF MR. SHAIKH MOHAMMED AKBAR,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF H.NO.114, OPP.
FIRE STATION, AQUEM-ALTO,
MARGAO-GOA.
9. MR. FEROS KHAN,
SON OF MR. KARIM KHAN,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF HOUSING BOARD,
NEAR MODEL ENGLISH HIGH SCHOOL,
MARGAO-GOA.
10. MR. SHAIKH ABDUL RAUF,
SON OF MR. SHAIKH HAROON,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF H.NO.842/B,
MUGALI, ST.JOSE DE AREAL,
SALCETE-GOA.
11. MR. XEC MOHAMAD YASS,
SON OF MR. XEC HARUN,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF H.NO.842/B,
MUGALI, ST.JOSE DE AREAL,
SALCETE-GOA.
12. MR. SHALIK MAHAMAD AZIM,
SON OF MR. SHEIK HARUN JAFAR,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF H.NO.842/B,
MUGALI, ST.JOSE DE AREAL,
SALCETE-GOA.
13. MR. XEC MAMAD SHAFI ALIAS
SHAIKH MOHAMAD SHAFI,
SON OF MR. XEC HAIDER,
MAJOR OF INDIA, INDIAN NATIONAL,

RESIDENT OF FLAT NO.CB-2,
2ND FLOOR, CLOVER BLDG,
ABOVE HONDA SHOWROOM,
SHIRVODEM, NAVELIM
MARGAO-GOA.

- 14.MR.SHAikh MOHAMMED SADIK,
SON OF MR. SHAIKH HAIDER,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF H.NO.159,
SHIROVODEM, NAVELIM
MARGAO-GOA.
- 15.MR.SHAIK MOHAMED HANIF,
SON OF MR.XEC ISMAIL,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF H.NO.553,
OPP.COSTA FACTORY, AQUER-ALTO,
MARGAO-GOA.
- 16.MR.ASIF USMAN SHAH,
SON OF MR. USMAN SHAH,
MAJOR OF INDIA, INDIAN NATIONAL.
RESIDENT OF USMAN APPTS,
OPP.SANTOSH GARAGE,
AQUER-ALTO, MARGAO-GOA.
- 17.MR.SALIM USMAN SHAH,
SON OF MR. USMAN SHAH,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF USMAN APPTS,
OPP. SANTOSH GARAGE,
AQUER-ALTO, MARGAO-GOA.
- 18.MR.SAIAD NIZAMODDIN,
SON OF MR. SAYED KASSIM
ALIAS SOD CAXIMO,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF FLAT NO.1,
KAMAL APPTS, HSG.BOARD,
GOGAL, MARGAO-GOA.
- 19.MR.SAYED ABDUL MAJID,
SON OF MR.SAYED KASSIM
ALIAS SOD CAXIMO,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF M-57, HOUSING

BOARD, GOGAL,
MARGAO-GOA.

- 20.MR.SHAIKH ZEMIR,
SON OF MR. XEC MAMOD ALI,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF H.NO.182, C/O.
E-FURTODO, VIDHYANAGAR,
AQUEM-ALTO, MARGAO-GOA.
- 21.MR.TANWEER SAUDAGAR,
SON OF MR.MOHAMMED
YASSIN SAUDAGAR,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF H.NO.2902,
OPP.RAM MANDIR, TALEBAND,
AQUEM, MARGAO-GOA.
- 22.MR.SAYED IRFAN,
SON OF MR. SAYED GANI,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF H.NO.107, LIG
BLDG, HSG BOARD, GOGAL,
MARGAO-GOA.
23. MR.SHAIKH BARHAN,
SON OF MR. SHAIK MOHAMAD SHARIF,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF H.O.262,
MADAL PEQUINO, MARGAO-GOA.
- 24.MR.SHAIKH MOOSA,
SON OF MR. XEC YACUB,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF H.NO.173,
MALBHAT, MARGAO-GOA
- 25.MR.SHAIKH MOHSIN,
SON OF MR.SHAIKH HUSSEIN,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF H.NO.264,
NEAR GHANDI MARKET, OPP.
HOTEL GOA LAND, MARGAO-GOA
- 26.MR.MUKADDAR XA MUZAWAR,
SON OF ABDUL REIMAN XA MUZAWAR,
MAJOR OF INDIA, INDIAN NATIONAL,

RESIDENT OF HEMADY
RESIDENCY OPP.SBI BANK,
4TH FLOOR 406 MALBHAT,
MARGAO-GOA.

27. MR.SAID SADIC XA MUZAWAR,
SON OF MR. ABDUL RAHIMAN
XA MUZAWAR,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF ARADHANA
APPTS, 2ND FLOOR, FLAT NO.
7, AQUER, MARGAO.
28. MR.MUJIB SHAIKH,
SON OF MR. HIDAYAT SHAIKH,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF F-5, LIMA
RESIDENCY, FATORDA,
MARGAO-GOA.
29. MR.SHAIKH HADAETOOLA,
SON OF MR. SHAIKH ABDUL LATIF,
MAJOR OF INDIA, INDIAN NATIONAL,
RESIDENT OF F-5, LIMA
RESIDENCY, FATORDA,
MARGAO-GOA.
30. MR.SHAIK ALI,
SON OF MR.SHAIKH ABDUL,
MAJOR OF INDIA, INDIAN NATIONAL
RESIDENT OF H.NO.76,
AQUER ALTO, MARGAO-GOA.
31. MR.XEC ASAF ALI,
SON OF MR. SHAIK ABDUL KARIM,
MAJOR OF INDIA, INDIAN NATIONAL
RESIDENT OF INDONE,
NAVELIM, DAVORLIM,
MARGAO.
32. MR.SHAHEED KHAN,
SON OF MR. HUSSEIN KHAN,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF KHAN BLDG, 1ST
FLOOR, KHAREBAND,
MARGAO-GOA.

33. MR.SHAIKH SHEIBAAZ,
SON OF MR. SHAIKH AXAM
(HASHAM),
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF H.NO.265,
GHANDI MARKET,
MARGAO-GOA.
34. MR.SHAIKH SALIM,
SON OF MR. SHAIKH FAKIR,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF H.NO.120,
BORDA, MARGAO-GOA.
35. MR.MOHAMED ASHRAF NAGARWALA,
SON OF MR. USMAN HAJI
MOHAMAD NAGARWALA,
MAJOR OF AGE, INDIAN
NATIONAL,
RESIDENT OF FLAT NO.2C,
INDRAPRASIHA BLDG, JAMEA
MASJID ROAD, MALBHAT-GOA.
36. MR. MOHAMMED HOEIB NAGARWALA,
SON OF MR. MOHUMMED
ASHRAF NAGARWALA
MAJOR OF AGE, INDIAN
NATIONAL,
RESIDENT OF FLAT NO.2C,
INDRAPRASIHA BLDG, JAMEA
MASJID ROAD, MALBHAT-GOA.
37. MR.XEC GAFAR,
SON OF MR. XEC ABDUL
RAZAK,
MAJOR OF AGE, INDIAN
NATIONAL,
RESIDENT OF H.NO.1112,
NEAR OLD COLLEGE,
VIDHYANAGAR, GOGAL,
MARGAO-GOA.
38. MR. SHAIKH SARFRAZ YUSUF,
SON OF MR. SHAIK YUSUF,
MAJOR OF AGE, INDIAN
NATIONAL,
RESIDENT OF H.NO.28/B,

LAYAMATI, DAVORLIM, SALCETE-GOA.

39. MR. SHAIKH YUSUF,
SON OF MR. SHAIKH IMAN,
MAJOR OF AGE, INDIAN
NATIONAL,
RESIDENT OF H.NO.28/B,
LAYAMATI, DAVORLIM, SALCETE-GOA.
40. MR.SHAIKH IRFAN NAWAZ,
SON OF MR. SHAIKH NAWAZ,
MAJOR OF AGE, INDIAN
NATIONAL,
RESIDENT OF a-7, ABBAJIM,
GOA HOUSING BOARD, SALCETE-GOA.
41. MR.MOHAMMAD ASIM SAYED,
SON OF MR. SOIOD AKBAR,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF DEVRAI
APPARTMENT AS/1, AQUEM
ALTO, MARGAO-GOA.
42. MR.MOHAMMAD ATIF SAYED,
SON OF MR. SOIOD AKBAR,
MAJOR OF AGE, INDIAN NATIONAL,
RESWIDENT OF DEVRAI
APARTMENT A S/1, AQUEM-ALTO
ALTO, MARGAO-GOA.
43. MR.NAWAZ IBRAHIM SADEKAR,
SON OF MR. IBRAHIM SADEKAR,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF BEHIND CINE
VISHANT, H.NO.263, AQUEM-ALTO
ALTO, MARGAO-GOA.
44. MR.XEC ISSAK,
SON OF MR. XEC ABDUL REIMAN,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF FATIMA
MANZIL, GOGAL HOUSING BOARD,
MARGAO-GOA.
45. MR. SHAIK SALAUDDIN,
SON OF MR. XEC NUHA,
MAJOR OF AGE, INDIAN NATIONAL,

RESIDENT OF H.NO.182-A,
MALBHAT, MARGAO-GOA.

46. MR.XEC MOHAMMED ARIF,
SON OF MR. XEC ABBAS,
MAJOR OF AGE, INDIAN
NATIONAL,
RESIDENT OF SHOP NO.11,
SELLING GARMENTS, NEW
MARKET, MARGAO-GOA.
47. MR.MOHUMMED SIDDIQUE,
SON OF MR. HAJI ISMAIL ISSUB,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF GEETA APPT,
G/F/1, NEAR POWER HOUSE,
AQUEM, MARGAO.
48. MR. HAIDER SHAH,
SON OF MR. ABDUL GAFUR XA,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF KURTAKKAR
RESIDENCY, T-3, OPP.
MULTIPURPOSE H.SCHOOL,
BORDA, MARGAO-GOA.
49. MR.IMRAN KHAN,
SON OF MR. YASSIN KHAN,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF SILVER GATE
ESTATE, FLAT NO.F1, NEAR
FOREST DEPT. AQUEM,
MARGAO.
50. MR. MOHAMMED SARIF,
SON OF MR.XEC ABDUL,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF H.NO.266,
GANDHI MARKET, OPP.HOTEL
GOA LAND, MARGAO-GOA.
51. MR. MOHAMED IRFAN SAYED,
SON OF MR. SHAIKH ABDUL KARIM,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF SAFIURA APPT,
2ND FLOOR, BEHIND KANTA HOTEL,
AQUEM, MARGAO-GOA.

52. MR. MAINUDDIN A MANIYAR,
SON OF MR. ALLAHA BAKSH,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF H.NO.179,
MALBHAT, MARGAO-GOA.
53. MR. MOHAMMED RAFIQUE A.
MANIYAR, SON OF MR.ALLAHA BAKSH,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF H.NO.179,
MALBHAT, MARGAO-GOA.
54. MR. ABDUL MANAF,
SON OF MR. BABALAL XEC ABDUL,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF VINAYAK PLAZA,
D-BLDG, 1ST FLOOR,
VIDHYANAGAR, AQUER,
MARGAO-GOA.
55. MR.SHEIK KHUDBODDIN,
SON OF MR.XEC INUS,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF H.NO.116,
KHAREBAND, PEDDA,
MARGAO-GOA.
56. MR.MAHAMMED ALI SHAIKH,
SON OF MR. XEC ISMAIL,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF H.NO.796,
AMBAJI, POST FATORDA-GOA.
57. MR.SHAIK MOHAMAD SIDDIQUE,
SON OF MR. SHAIK ISMAIL,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF H.NO.796,
AMBAJI POST, FATORDA-GOA.
58. MR.SHAIKH MOINUDDIN,
SON OF MR. SHAIKH ISMAIL,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF H.NO.796,
AMBAJI POST, FATORDA-GOA.
59. MR.SAYED ABDUL SHAKUR,
SON OF MR. SOID USSAIN,

MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF S1 2ND FLOOR,
PEAL APPT.NEAR DURGA PETROL PUMP
FATORDA-GOA.

60. MR.SAYYED SHAH SAUD,
SON OF MR. SAYYED ABDUL SHAKUR,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF S1 2ND FLOOR,
PEAL APPT.NEAR DURGA PETROL PUMP
FATORDA-GOA.
61. MR.IQBAL AMANULLA KHAN,
SON OF AMANULLA KHAN,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF FATORDA
WOOD-L.H.3, FLAT 4TH FLOOR,
FATORDA-GOA.
62. MR. SHAIKH M.FAIZAL,
SON OF MR. SHAIKH M.SHARIF,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF H.N.158/159,
NAVELIM ROAD, MARGAO-GOA.
63. MR.XEC MAMAD XERIF,
SON OF MR.XEC HAIDER,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF H.NO.158/159,
NAVELIM ROAD, MARGAO-GOA.
64. MR.MOHAMMED GOUSE,
SON OF MR.ALLAHA BAKSH,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF H.NO.179,
MALBHAT, MARGAO-GOA.
65. MR.MAMAD CHERIF,
SON OF MR.SAID ABDUL GANI,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF FLAT S2 SAFURA
APPT, BEHIND KANTA HOTEL
AQUEM ALTO, MARGAO-GOA.
66. MR.MOHAMED HANIF NAGARWALA,
SON OF MR. USMAN HAJI MOHAMED,
MAJOR OF AGE, INDIAN NATIONAL,

RESIDENT OF H.NO.382,
MALBHAT, NEAR JAMEA MASJID,
MARGAO-GOA.

67. MR. SHAIK USMAN,
SON OF MR. SHAIKH ABDUL KARIM,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF H.NO.59/C,
INDONA DAVORLIM, SALCETE-GOA.
68. MR.SAYED MOHAMMED AIJAJ,
SON OF MR. SAYED MOHAMMED HANIF,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF H.NO.E.W.S.500,
RUMDAMOL, DAVORLIM
HSG BOARD, MARGAO-GOA.
69. MR.SAYYED SHAH NAWAZ,
SON OF MR. SOID SOCUR,
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF S1 2ND FLOOR,
PEAL APPT NEAR DURGA
PETROL PUMP, FATORDA-GOA.
70. MR.MOHAMED ANIS
SON OF MR. MOHAMED ELYAS
MAJOR OF AGE, INDIAN NATIONAL,
RESIDENT OF MARGAO-GOA. PETITIONERS

VERSUS

1. STATE OF GOA.
THROUGH THE CHIEF
SECRETARY, SECRETARIAT,
PORVORIM, GOA.
2. THE INSPECTOR GENERAL OF SOCIETIES,
OFFICE OF THE INSPECTOR GENERAL OF
SOCIETIES, OSIA COMMERCIAL COMPLEX,
2ND FLOOR, 'D' WING, SALCETE,
MARGAO, GOA.
3. "SUNI JAMAATUL MUSLEMEEN"
IS A SOCIETY REGISTERED UNDER THE
SOCIETIES REGISTRATION ACT, 1860,
UNDER NO.273/GOA/2011, HAVING ITS
OFFICE AT 13,676, MALBHAT,

MARGAO-GOA, THROUGH ITS PRESIDENT
KASSIM KARIM KHAN, MAJOR OF AGE,
INDIAN NATIONAL, HAVING OFFICE AT OFFICE
AT 13/676, MALBHAT,
MARGAO-GOA.

4. "SUNI JAMAATUL MUSLEMEEN"
IS A SOCIETY REGISTERED UNDER THE
SOCIETIES REGISTRATION ACT, 1860,
UNDER NO.273/GOA/2011, HAVING ITS
OFFICE AT 13/676, MALBHAT,
MARGAO-GOA, THROUGH ITS PRESIDENT
HAZI IBRAHIM, MAJOR OF AGE,
INDIAN NATIONAL, C/O MR. FARAHAH CUTCHI
MEMOM, STAR XEROX, GARDEN VIEW SOCIETY,
MARGAO-GOA. RESPONDENTS.

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Shri J.P. Supekar, Advocate for the petitioner.
Shri A.S.Talaulikar, AGA for respondent nos. 1 and 2.
Shri A.Kakodkar, Advocate for the respondent no.3
Shri K. Noorani, Advocate for the respondent n.4.
Shri Antonio D'Costa, Advocate for the Intervenors.

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CORAM : F.M.REIS & NUTAN D. SARDESSAI, JJ.
DATE : 25th October , 2016.

ORAL JUDGMENT: (Per F.M. REIS, J.)

1. Heard Shri Supekar, learned counsel appearing for the petitioner, Shri Talaulikar, learned AGA appearing for respondent nos. 1 and 2, Shri Kakodkar, learned counsel appearing for the respondent no.3, Shri K. Noorani, learned counsel appearing for the respondent no.4 and Shri Antonio D'Costa, Advocate for the Intervenor.

2. Rule. Heard forthwith with the consent of the learned counsel appearing for the respective parties.

3. Learned counsel appearing for the respective parties waive notice on behalf of the respondents.

4. The petition essentially deals with the membership of Sunni Jamaatul Muslemeen, Masjid at Malbhat in Margao Goa. The matter was adjourned from time to time to examine the modalities of amicable sorting out the issue with regard to the membership of the subject Jamaatul Masjid in terms of the bye-laws. Ultimately, the learned counsel appearing for the respective parties have pointed out that the parties have amicably finally decide the issue with regard to new membership of such Jamaatul Masjid. In such circumstances, the learned counsel points out that the above petition be disposed of by consent on the following terms:

(i) The parties herein accept the list submitted to the Registrar-respondent no.2 and there is no dispute with regard to such list of members. Any other person desirous to be a member of subject Jamaatul are at liberty to make an appropriate application to the respondent no.3 within one month from the date of notified by the respondent no.3. After such applications are accepted, the respondent no.3 shall proceed to examine and verify such application in accordance with bye-laws as expeditiously as possible but within one month of filing of such application. Thereafter, after finalising such list, the respondent no.3 shall proceed to hold the elections by holding a meeting of

the General Body of all the members including the members duly accepted, pursuant to the above direction to elect the Managing Committee of the Jamat in question for the term as specified in the byelaw.

5. Rule is made absolute in the above terms. Liberty to the parties to apply.

6. In view of disposal of the above petition, the show cause notice issued by order dated 4th March, 2016 stands discharged.

7. The petition is disposed of accordingly.

NUTAN D. SARDESSAI, J

F.M. REIS, J

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