

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3657 OF 2016

Chand Mohammed Usman Salati & Ors.	..Petitioners
Versus	
Board of Trust/Managing Committee	
of the Wakf namely Shahi Salati	
Masjid	..Respondents

Mrs. Anjali R.S.Baxi , Advocate for the Petitioners.

Coram : R.M.SAVANT, J.

Date : 17th November, 2016.

P. C. :

The writ jurisdiction of this Court is invoked against the order dated 11.2.2014 passed the learned Presiding Officer, Maharashtra Waqf Tribunal, Aurangabad by which order the application Ex.5 filed by the Original Plaintiff i.e. one Abdul Karim Roshan Dhature in Waqf Suit No.61 of 2013 came to be allowed and resultantly, direction as contained in the operative part of the impugned order whereby the Defendant Nos.1 to 15, their agents, servants are restrained from interference, obstruction in peaceful management of plaintiff over the Waqf institution came to be issued. The gist of the reasoning of the learned Presiding Officer as given in paragraph 9 of the impugned order whilst allowing the said application Ex.5 is to the effect that the Plaintiff

has produced material on record to indicate that he is in the management of Masjid in question, which is a Waqf property whereas the Defendants have not produced any evidence to show that they are managing the affairs of the said Waqf property. In the light of the said finding, no fault can be found with the direction that has been issued by the learned Presiding Officer, Maharashtra Waqf Tribunal, Aurangabad. The impugned order is to operate pending consideration of change report in respect of appointment of the trustees. In my view, therefore, no case for interference in the writ jurisdiction of this Court is made out. The Writ Petition is, accordingly, dismissed.

2 However, since the Tribunal has already directed that the change report be decided as early as possible, this Court directs the Chief Executive Officer to hear and decide the change report latest by 31.5.2017.

[R.M.SAVANT, J.]