

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8593 OF 2016**

Abdul Aziz Mohammed Hussain & Ors

..Petitioners

Vs.

Maharashtra State Board Of WAQFS & Ors

..Respondents

Mr. V. S. Kapse for the Petitioners

Mr. Harshad Bhadbhade for the Respondent Nos.5 to 7

Mrs. V. S. Nimbalkar AGP for the Respondent No.8

CORAM : R. M. SAVANT, J.

DATE : 7th DECEMBER, 2016

P.C.

1 At the outset, the Learned Counsel for the Petitioner seeks leave to amend so as to correct the date in prayer clause (a) i.e. 23-6-2016 to 17-6-2016. Leave granted. Amendment to be carried out forthwith.

2 The Writ Jurisdiction of this Court is invoked against two orders dated 6-5-2016 passed by the Chief Executive Officer of the WAKF Tribunal and the order dated 17-6-2016 passed by the WAKF Tribunal. By the first order, the Chief Executive Officer has rejected the change which was sought by the Petitioners. The second order is an order directing the issuance of notice in the stay application filed by the Petitioners in the Appeal filed by them against the order dated 6-5-2016. It seems that the stay application has been adjourned and is awaiting the adjudication at the hands of the WAKF Tribunal.

3 In view thereof, it is not necessary for this Court to entertain the above Petition in view of the fact that the remedy by way of an Appeal is already adopted by the Petitioners. The Learned Counsel appearing on behalf of the Respondent Nos.5, 6 and 7 who are the main contesting Respondents, has no objection if the said stay application is directed to be heard by the WAKF Tribunal within a particular time frame. The WAKF Tribunal is therefore directed to hear and decide the stay application latest by 31-1-2017, if it is the contention of the Petitioners that cognizance of the order passed by the Chief Executive Officer has already been taken in the record of the WAKF, it would be open for the Petitioners to draw the Tribunal's attention to the said fact which has occurred during the pendency of the Appeal. With the aforesaid directions, the Writ Petition is disposed of.

4 Needless to state that the contentions of the parties are kept open for being urged before the WAKF Tribunal.

[R.M.SAVANT, J]