

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4280/2016

Abdul Mannan Abdul Ghafoor

...Versus...

Berar Muslim Educational Conference and Osmaniya Masjid Public Trust,
through its Managing Trusty and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.S. Khandewale, Advocate for petitioner
Shri R.J. Mirza, Advocate for respondent no.1
Shri A.M. Balpande, AGP for respondent no.3

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 28.07.2016

By this petition, the petitioner seeks the appointment of the Administrator on the respondent no.1- Wakf. The petitioner seeks a declaration that the elections are illegally scheduled on 16.8.2016 and the members are illegally inducted in the Trust.

We are afraid that the relief sought by the petitioner cannot be granted in exercise of the writ jurisdiction, more so, when the petitioner has alternate remedy under the Wakf Act.

At this stage, Shri Khandewale, the learned Counsel for the petitioner states that though the petitioner has made several complaints in regard to the mismanagement of the Wakf by the respondent nos.4, 5 and 6, the Wakf Board is not taking any cognizance of the complaints. It is stated that a direction may

be issued to the Wakf Board to decide the complaints of the petitioner, within a time frame.

Due to the heavy pendency of the matters including the complaints before the Wakf Board, it would not be possible to direct the Wakf Board to decide the complaints made by the petitioner, within a time frame but a direction could be issued to the Wakf Board to decide the complaints as early as possible.

Since the aforesaid prayer made on behalf of the petitioner is innocuous, without serving a notice of the petition on the Wakf Board, we dispose of the writ petition with a direction to the respondent no.2 – Wakf Board to decide the complaints of the petitioner as early as possible.

Order accordingly. No costs.

JUDGE

JUDGE

Wadkar

C E R T I F I C A T E

I certify that this order uploaded is a true and correct
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