

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

Writ Petition No.337/2013

Hazrat Baba Tajuddin Trust, through its Secretary and others ..vs.. State of
Maharashtra through Secretary, Social Welfare Department and anr.

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

Court's or Judge's orders

Mr. D. N. Mehta, Advocate for petitioners.
Mr. A. Balpande, A.G.P. for respondent no.1.
Mr. F. T. Mirza, Advocate for respondent no.2.
Mr. A. Parchure, Advocate for respondent nos. 5 to 7.
Mr. A. Naik, Advocate for intervenor.

CORAM : B. R. GAVAI & V. M. DESHPANDE, JJ.

DATE : OCTOBER 25, 2016

There are two difficulties with regard to maintainability of the present petition. Firstly; the Administrator has been appointed on the petitioner no.1-Trust, as such the petition cannot be prosecuted on behalf of petitioner nos. 2 to 4.

Secondly; in view of the provisions of Section 6 of the Wakf Act, 1995, the impugned notification can be challenged by way of appeal before the Tribunal.

In that view of the matter, we are not inclined to entertain the present petition in the extra ordinary jurisdiction of this Court. The same is, therefore, rejected.

In view of the order dated 27.04.2015 in Civil Application (CAW) No.879/2015, an amount of Rs.5,00,00,000/- (Rs. Five Crores Only) which was a donation on the part of the deceased Dr. Dadi Balsara, was directed to be deposited in this Court. It was further directed

to invest the said amount in the Nationalized Bank initially for a period of three years.

Taking into consideration the fact that now an independent Administrator, who is a retired Judicial officer, has been appointed on the petitioner no.1-Trust, it will be appropriate that the amount is directed to be remitted to the petitioner no.1-Trust so also that the amount will be utilized for the development of the shrine.

The applicants in Civil Application No.879/2015 are the executors of the will of Dr. Dadi Balsara. It would also be in the interest of justice that they should have a say as to how the said amount is to be utilized for the development of the said shrine.

The Registrar is, therefore, directed to forthwith deposit the said amount along with interest accrued thereon to the credit of petitioner no.1-Trust. The Registrar may, for that purpose, contact the learned Administrator, who is a retired District Judge.

On the amount being deposited in the account of petitioner no.1-Trust, the Administrator, who is a retired Judicial Officer, in consultation with the applicants in Civil Application No.879/2015, shall take a decision for utilization of the said funds for carrying out the development activities at the shrine.

JUDGE

JUDGE