

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5061 OF 2013

ABDUL RASHEED ABDUL SATTAR AND ANOTHER
VERSUS
NASEER ABUBAKKAR THARA AND OTHERS

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Advocate for Petitioners : Shri Deshmukh Mohit
h/f Shri Chapalgaonkar S.G.

Advocate for Respondent 2 : Shri Patil N.P. Jamalpurkar

Advocate for Respondent 3 : Shri Pathan Y.B.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: August 31, 2017

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PER COURT :-

1. The petitioners have assailed the order dated 14.6.2013 passed by the Chief Executive Officer, Maharashtra State Wakf Board, Aurangabad.

2. Learned Advocate for respondent No.2 relies upon the judgment delivered by the Honourable Apex Court in the matter of Board of Wakf, West Bengal and another Vs. Anis Fatma Begum [2010 All SCR 2690], wherein it is concluded that all matters pertaining to the Wakf should be decided by the Wakf Tribunal and such matters should be filed in the first instance under Section 83 of the Wakf Act before the Wakf Tribunal and neither the Civil Court nor the High Court should entertain such matters directly.

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3. Learned counsel for the petitioners, therefore, submits that his liberty to approach the Wakf Tribunal be protected.

4. Considering the above, this petition is disposed off with liberty to the petitioners to approach the Wakf Tribunal. Needless to state, the Tribunal shall consider the grievances of the litigating sides on their own merits as this Court has not dealt with the contentions of the parties and as this matter is disposed off only to facilitate the petitioners to avail of the statutory remedy.

5. Since protection was granted to the petitioners by order dated 16.9.2013, which is in operation for the last four years, the said protection shall continue for a further period of six weeks, provided the petitioners approach the Wakf Tribunal within a period of two weeks from today.

(RAVINDRA V. GHUGE, J.)

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