

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

14 WRIT PETITION NO. 9030 OF 2016

MOHD QASIM WASEEM OSMAN BABAUSETH

VERSUS

ASAD ALI RAJJAB ALI AND OTHERS

...

Advocate for Petitioner : Mr. Deshmukh Rajendra S.

AGP for Respondents State: Mr. V. M. Kangne

Advocate for Respondent No.1 : Mr. P. P. Mandlik

Advocate for Respondent No.2 : Mr. Pathan Hamzakhan I.

CORAM : R. M. BORDE

K. L. WADANE, JJ.

DATE : 6th April, 2017

ORDER:

1. This petition is presented seeking directions to the Maharashtra State Board of Wakfs, Aurangabad to take decision in enquiry proceeding No.25/264/2011.

2. It is not a matter of dispute that during earlier round of litigation, the matter was dealt with by the District Judge and in pursuance to the decision rendered by the District Judge, Nanded, dated 25.06.2013, enquiry proceedings were directed to be dealt with by the Maharashtra State Board of Wakfs, Aurangabad.

3. On remand, the order impugned before the District Judge was set aside and the matter was remanded back to the Wakf Board. The order passed by

the District Judge directing remand of the matter back to the Maharashtra State Board of Wakfs, Aurangabad was a matter of challenge at the instance of one Asad Ali Rajjab Ali in Writ Petition No. 1365 of 2015. The petitioner was party to the said writ petition which came to be decided by the learned Single Judge of this Court on 21st November, 2015. The learned Single Judge of this Court refused to cause interference in the matter, however, directed the Chief Executive Officer, Maharashtra State Wakf Board to consider and deal with the issue of locus of the person who has initiated proceeding against the petitioner before the learned Single Judge and also the maintainability of the proceedings. The question of locus of the petitioner herein was raised before the learned Single Judge by the writ petitioner therein. The petitioner in the instant case has not disclosed the factum of issuance of the order by learned Single judge in Writ petition No. 1365/2015 on 21st November, 2015.

4. In this view of the matter, no interference is called for at the instance of the petitioner. However, since it is noticed that proceedings are pending before the Maharashtra State Board of Wakfs, Aurangabad, it is directed to the concerned to take

decision, as expeditiously as possible, in observance of the directives issued by the learned Single Judge of this Court in Writ Petition No. 1365/2015 decided on 21st November, 2015 and preferably within six months.

5. Writ petition disposed of. No costs.

(K. L. WADANE, J.)

(R. M. BORDE, J.)

JPC