

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12415 OF 2015
WITH
CIVIL APPLICATION NO. 1219 OF 2016
IN
WRIT PETITION NO. 12415 OF 2015

Nasir Khan Zortalab Khan & anr. ... Petitioners

V/s.

Mohd. Salim Mapkhan & others ... Respondents

Ms. Anita Castillino i/b Sayed Zia for the petitioner.

Mr. Vikas Mali, AGP for respondents 9 and 14.

Mr. Chetan Mhatre i/b. M/s. Utangale & co. for SRA.

Mr. Sagheer A. Khan i/b Judicare Law Assoc. for respondents 2, 4 and 5.

Advocate G.B. Walawalkar i/b. Advocate S.P. Thorat for respondent no.12.

**CORAM : NARESH H. PATIL AND
SMT. BHARATI H. DANGRE, JJ.**

6th June, 2017.

P.C.

Learned Counsel appearing for petitioners submits that in view of the judgment passed by the Presiding Officer, Maharashtra Waqf Tribunal, Aurangabad dated 20th November, 2013, a joint measurement

ought to have been carried out but so far it is not carried out. Learned Counsel appearing for respondents submits that they do not have any objection if the joint measurement of subject property is carried out. The Presiding Officer, Maharashtra Waqf Tribunal, Aurangabad passed judgment on 20th November, 2013, copy of which is annexed at Exhibit 'A'. We have perused the communication made by the petitioner addressed to the Survey Officer, City Survey Department (Ghatkopar) which is annexed at Exhibit 'S'.

2. In view of the observations made by the Waqf Tribunal in the aforesaid judgment and the submissions of the learned Counsel appearing for the parties giving consent for joint measurement, we do not find any difficulty for the concerned Survey Officer to carry out the joint measurement of the subject property.

3. The City Survey Officer, Mulund is directed to issue necessary instructions for carrying out joint measurement of Plot CTS No.155, Ghatkopar on payment of necessary charges. The cost of joint measurement shall be equally shared by the petitioners and trustees of the Dargah Masjid Trust.

4. All issues on merits are kept open. With aforesaid observations and directions, Writ Petition stands disposed of.

5. In view of disposal of writ petition, nothing survives for consideration in the civil application. The same is disposed of accordingly.

(SMT. BHARATI H. DANGRE, J)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.