

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.12802 OF 2018

Syed Muzaffar s/o Syed Shakoor,
Age-45 years, Occu:Business,
R/o-Imam Bada, Khultabad,
Dist-Aurangabad.

...PETITIONER

VERSUS

- 1) Maharashtra State Board of Wakf,
Through its Chief Executive
Officer, At Panchakki,
Aurangabad,
- 2) Municipal Council Khultabad,
Through its Chief Officer,
At Khultabad, Tq-Khultabad,
Aurangabad.

...RESPONDENTS

...

Mr.Moinuddin Shaikh Advocate h/f. Mr. S.S.
Kazi Advocate for Petitioner.

...

**CORAM: S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATE : 12TH DECEMBER, 2018

ORDER :

1. Learned counsel appearing for the

Petitioner submits that Respondent Nos.1 and 2 are served by private service and to that effect affidavit of service has been filed. None appears for Respondent Nos.1 and 2.

2. There is an innocuous prayer in the Petition in as much as, directions are sought to the Respondents to remove the encroachment on the alleged Wakf land, of which description is given in the application addressed by the Petitioner to Respondent No.1, dated 15th January, 2015, copy of which is annexed at Exhibit C (Page No.12) to the Petition.

3. In case such application is not yet decided by the Respondents, we direct the Respondents to decide the said application on its own merits and if the procedure contemplates to give notice to alleged encroachers, by giving them notice and after adherence of principles of natural justice, as expeditiously as possible,

however within SIX months from today.

4. We make it clear that we have not expressed any opinion on the merits of the contentions raised in the Petition and/or application filed by the Petitioner, and it is for the Respondent authorities to look into the contentions raised in the application and take appropriate decision.

5. With the above observations, the Writ Petition stands disposed of.

[K.K. SONAWANE, J.]

[S.S. SHINDE, J.]

asb/DEC18