

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

WRIT PETITION NO.2520 OF 2019

**AL ZAID JABBAR BAGHWAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Shaikh Kayyum Najir, Advocate for the petitioner.
Mr.S.S. Dande, AGP for respondent/State.
Mr.Y.B.Pathan, Advocate for respondent Nos.2 and 3.

**CORAM : PRASANNA B.VARALE &
S.M.GAVHANE, JJ.
DATED : 22.02.2019**

P.C. :-

1. Heard learned Counsel for the petitioner. Mr. Y.B.Pathan, learned Counsel appears for respondent Nos. 2 and 3.

2. At the outset, learned Counsel orally prayed for amendment to the petition by placing on record photocopy of application dated 22.10.2018 having stamp and endorsement. The oral prayer is allowed. The amendment be carried out forthwith.

3. As limited grievance is raised in the petition, the petition is taken up for disposal at the admission stage. The petitioner submits that he is following Muslim

religion and regular visitor of Pensionwala Masjid having registration No. MSBW/PUN/270/2011. It is then submitted that the last elections of the management were conducted on 17.10.2010 and in-spite of expiry of term on 16.10.2015, those persons who were elected are still holding the charge. It is stated that initially five persons were elected and out of these five persons one Shri Ahmed Inamdar expired and presently four persons are holding charge in-spite of expiry of term. Learned Counsel submitted that necessary documents in respect of registration etc. are placed on record.

4. Perusal of the documents placed on record shows that there was also round of proceeding before the Assistant Charity Commissioner, Pune. It may not be necessary for us to refer to the facts in detail. Suffice to say that the petitioner had approached respondent No.2 – Maharashtra State Board of Wakf by submitting an application with a prayer for declaration of the election for new management of Wakf institution, namely, Pensionwala Masjid situated at 428, Nana Peth, Pune. Photocopy of the document shows that the application is received by the office of respondent no.2 on 22.10.2018. There is also endorsement of the receiving clerk on the document.

5. As the grievance of the petitioner is of pendency of the application for considerable long time, the petition is disposed of with direction to respondent No.2 to decide the application received by its office on 22.10.2018 as expeditiously as possible and not later than 12 weeks from the date of the order of this Court. We make it clear that this Court has not expressed any opinion on the merits of the application and the authority is at liberty to assess the merit of the representation and to arrive at a conclusion on assessment of merit of representation.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]