

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

905 WRIT PETITION NO.1702 OF 2008

MAHARASHTRA STATE BOARD OF WAKFS
VERSUS
LIMBAJI RAMAJI RENGE AND OTHERS

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Advocate for Petitioner : Mr. S S Kazi.
Advocate for Respondent Nos.1 to 4 : Mr. M.M.Patil-Beedkar.

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CORAM : V. K. JADHAV, J.
DATE : 05.12.2019

PER COURT :-

1. The learned counsel for respondent Nos.1 to 4 - original plaintiffs submits that the respondents - plaintiffs have preferred the Writ Petition No.5306 of 2003 against the State of Maharashtra, the present petitioner and others seeking directions to quash the entry in the Wakf Register at Serial No.3 in respect of the suit property, which includes the land survey Nos.593 and 594, which is the subject matter of the Regular Civil Suit No.130 of 2005. By order dated 20.03.2014, the Division Bench of this Court disposed off the Writ Petition No.5306 of 2003 with liberty to the petitioners (Respondent Nos.1 to 4 – original plaintiffs herein) to avail the remedy

before the appropriate Forum / Court / Tribunal for redressal of their grievance and the interim order would continue for a period of four (4) weeks, so as to enable the petitioners to avail the appropriate remedy. The learned counsel submits that in terms of the said liberty granted by Division Bench of this Court in the aforesaid Writ Petition, respondent Nos.1 to 4 herein (original plaintiffs) have instituted a Regular Civil Suit No.124 of 2014 seeking declaration of ownership in respect of the land Survey No.593 with a decree of perpetual injunction against the petitioner herein. In the said Regular Civil Suit No.124 of 2014 one Zulekha Begam wife of Mohammed Zahiruddin and six others came to be impleaded as a party defendants under the orders of the Court and the respondents-original plaintiffs herein have challenged the said order by filing the Writ Petition No.3376 of 2015, which is still pending. The learned counsel submits that in the said suit bearing Regular Civil Suit No.124 of 2014 preferred for the substantial relief of a declaration and a decree of perpetual injunction, the said suit has been instituted against the petitioner herein alone, however, subsequently under the orders of the Court, defendant Nos.3 to 10 came to be added as a party defendants.

The learned counsel submits that in view of the same, this Writ Petition can be disposed off as the petitioner herein made an attempt to implead himself as a party defendant when the respondents-plaintiffs had instituted the suit bearing Regular Civil Suit No.130 of 2005 simplicitor for injunction against one third party Respondent No.5 herein, who is the original defendant in the said suit RCS.No.130 of 2005.

2. The learned counsel appearing for the petitioner - original intervener has also not disputed the same.

3. In view of the same, the Writ Petition is disposed off.
Rule discharged.

(V. K. JADHAV, J.)

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vmk/-