

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

WRIT PETITION NO. 9922 OF 2018

Javed Khan Sarwar Khan and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Quadri Taher Ali, Advocate for Petitioners.

Mrs. M. A. Deshpande, A.G.P. for the Respondent No. 1.

Shri Jiwan J. Patil, Advocate for the Respondent No. 2.

Shri N. E. Deshmukh, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 27TH JUNE, 2019.

FINAL ORDER :

. The petitioners are seeking directions against the respondent No. 2 to reconstruct the Asthana on its place which was demolished by the respondent No. 2 and to pay compensation of Rs. 20,00,000/-.

2. As far as damages are concerned, the evidence will have to be led for ascertaining the loss or damages if any. The property as per the petitioners and respondents is wakf property. In the light of that, the petitioners may have appropriate remedy before the wakf tribunal and if it is not a wakf property, the petitioners

have remedy before the Civil Court. In the said proceedings the petitioners can raise the issue of construction/reconstruction of the same before the competent Court/authority in that regard. If any proceedings are pending, all contentions of respective parties are kept open.

3. In view of the above, the writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 19