

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

WRIT PETITION NO. 9347 OF 2019

SYED JAMEEL SYED JANIMIYAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the petitioner : Ms. Talekar S.B.
A.G.P. for the respondent No. 1 : Mr. S.B. Yawalkar.
Advocate for the No. 2 : Mr. N.E. Deshmukh.

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

DATE : 13/08/2019

PER COURT :

1. Ms. Talekar learned counsel submits that the petitioner is the Mutawalli of the Wakf institution viz. Dargah of Hazrat Syed Ahmed Shersawar, popularly known as Dargah Rajabagh Sher Sawar at Jalna. The name of the petitioner was not included in the voters list. The petitioner raised an objection. The objection is rejected without assigning any reasons. The Election Officer has wrongly stated that the Mutawalliship of the petitioner is cancelled. The learned counsel submits that on 04.03.2016 the Chief Executive Officer of the Maharashtra State Board of Wakf has passed an order declaring that, the present petitioner is not the Mutawalli. The same is stayed by the Wakf Tribunal on 30.05.2016 and the said stay is still in force. The learned counsel submits that subsequently an order was passed of taking over the management of the Dargah by the Government.

Against the same writ petition was filed. Interim orders were not passed in favour of the petitioner. The petitioner has approached the Apex Court. The Apex Court in Civil Appeal No. 29201/2018 under order dated 01.11.2018 stayed the order of taking over the management. The said order of stay is still in force.

2. We have heard the learned advocate Mr. Deshmukh for Wakf Board and learned A.G.P.

3. The petitioner seeks declaration to include the name of the institution through petitioner/Mutawalli in the voters list.

4. The factual matrix as is stated above, is not disputed by the learned counsel for the respondents. In view of the interim orders passed by the Wakf Tribunal and the Apex Court, the name of the institution namely Dargah of Hazrat Ahmed Sher Sawar through the petitioner/Mutawalli be taken in the voters list.

5. The impugned order is quashed and set aside.

6. Writ petition is disposed of. No costs.

7. Authenticated copy be given.

(MANGESH S. PATIL, J.)
mkd

(S. V. GANGAPURWALA, J.)