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

CIVIL REVISION APPLICATION NO.165 OF 2019

Raunak Constructions,
Through its Partner
Navin s/o Gokuldas Chandak,
Age 44 years, Occu. Business,
R/o Ambika Nagar, Bakhariya Gin,
Akot, Tq. Akot, Dist. Akola

... APPLICANT

VERSUS

1. Shaikh Nisar s/o Shaikh Gulab,
Age 52 years, Occu. Nil,
R/o Tekdipura, Akot, Tq. Akot,
Dist. Akola, presently residing at
C/o Ashik Kirana Shop,
Near Gazi Plot, Majidiya Gate,
Hiwarkhed Road, Akot,
Tq. Akot, District Akola.

2. The Maharashtra State Board of Wakf,
at Panchakki, Aurangabad,
through its
Chief Executive Officer.

... RESPONDENTS

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Shri S.S. Kazi, Advocate for applicant
Shri S.A.G. Qureshi, Advocate for respondent No.1
Shri N.E. Deshmukh, Advocate for respondent No.2
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CORAM: R.G. AVACHAT, J.

DATED : 11th SEPTEMBER, 2019.

ORDER:

. Heard learned counsel for the parties to this revision
application.

2. The applicant is a partnership firm. The firm has purchased land admeasuring 2000 sq.mtrs., forming part of the property bearing Sheet No.29/A, situated at village Akot, District Akola, under registered sale deed dated 3/10/2016.

3. The respondent No.1 applied the Wakf Board for registration of the entire land bearing Sheet No.29/A as a Wakf property. The Wakf Board, by its order dated 28/11/2018, allowed the application.

4. The applicant firm was not party to the said proceeding. The firm, therefore, challenged the decision of the Wakf Board, by preferring Wakf Application No.16/2010 to the Wakf Tribunal and moved a separate application for stay of the Wakf Board's decision.

5. The applicant firm claimed to have been a bonafide purchaser for valuable consideration.

6. The Wakf Tribunal rejected the said application. The applicant firm has taken exception to the said order in this revision application. The firm purchased the property in October 2016. The property came to be registered as a Wakf property in November 2018. The applicant firm was not a party to the proceeding before the Wakf Board. The order of the Wakf Board has already been implemented. In this factual backdrop, the Wakf Application

No.16/2019 moved by the applicant firm needs to be decided expeditiously.

7. It is informed that, a notice under Section 52-A of the Wakf Act had been issued to the applicant and pursuant thereto, an F.I.R. relating to the cognizable offence of having purchased a Wakf property, is likely to be registered against the applicant firm and its partners. If the F.I.R. is registered, it may prima facie appear that the applicant is held to have purchased the Wakf property.

8. In the aforesaid backdrop, the Civil Revision Application is disposed of with a direction to the Wakf Tribunal to decide the Wakf Application No.16/2019 within a period of six months from the date of receipt of this order.

Till the decision of the Wakf Application, no F.I.R. shall be registered.

The applicant firm shall not develop the property until the decision of the Wakf Application.

(R.G. AVACHAT)
JUDGE

fmp/-