

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2331 OF 2019

Abdul Gani s/o Abdul Gaffor and anr.

-vs-

The Chief Executive Officer, Maharashtra State Wakf Board, Aurangabad and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. K. Thakkar, Advocate for petitioners.
Shri A. M. Quazi, Advocate for respondent Nos.1 and 2.
Shri R. T. Anthony, Advocate for respondent Nos.3 to 5.

CORAM : A.S.CHANDURKAR, J.

DATE : May 02, 2019

Heard.

The grievance raised by the petitioners in the present writ petition is that though the petitioners were parties in Wakf Petition No.3/2017 that was initially filed in the District Court at Nagpur, the order dated 16/01/2019 was passed by the Chief Executive Officer without giving due notice to the petitioners. On that count this Court had issued notice to the respondents.

2. Shri R. T. Anthony, learned counsel for the respondent Nos.3 to 5 submits that the proceedings of Wakf Petition No.3/2017 were transferred to the Tribunal at Aurangabad and were renumbered as Wakf Application No.60/2017. He further submits that those proceedings have been withdrawn on 12/03/2019 and he has tendered certified copy of that order for perusal.

3. Shri A. M. Quazi, learned counsel for the respondent Nos.1 and 2 submits that against the order dated 16/01/2019 that is impugned in the present writ petition remedy under Section 83(3) of the Wakf Act, 1995 is available to the petitioners if they are so aggrieved by the same.

4. In the light of the fact that Wakf Application No.60/2017 now stands withdrawn, the petitioners are granted liberty to approach the Tribunal under Section 83(3) of the said Act if they are aggrieved by the order dated 16/01/2019. The writ petition is accordingly disposed of by granting aforesaid liberty. The points raised in the writ petition are kept open.

The ad interim order granted on 20/03/2019 shall continue to operate for a period of ten days from today and shall cease to operate automatically thereafter.

JUDGE