

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

**905 CIVIL APPLICATION NO.7616 OF 2020
IN WP/5023/2014**

**RAJHOJI NARAYAN JAYBHAYEE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicants : Jadhavar Shivprasad G.
AGP for Respondents 1 to 5: Mr.S.N.Morampalle
Adv.Mr.S.S.Kazi for Respondent No.6.
...

**CORAM : MANGESH S. PATIL, J.
DATE : 11.12.2020**

PC. :-

Heard both the sides.

2] By way of this Civil Application the original petitioners are seeking stay to the operation of the communication dated 23/10/2020 addressed by the Chief Executive Officer of the Maharashtra State Wakf Board to the Collector, Hingoli requesting to record name of Wakf board to the property in dispute.

3] It is pointed out on behalf of the petitioners that since inception i.e. 23/6/2014 ad-interim relief was operating in favour of the petitioners in terms of prayer clause "E". It was being continued from time to time till 4/9/2018. Since the matter was not listed on board, it was never continued

thereafter.

4] The learned advocate then points out that on 14/2/2019 this Court directed the Chief Officer of the Wakf board to take steps and also removed the matter from board. It seems that pursuant to such an observation of the Court that the latest communication is addressed by the Chief Officer of the Wakf board to the Collector.

5] The learned advocates of both the sides referring to the facts strenuously made submissions touching the merits. Obviously propriety demands that one need not advert to the merits at this stage. It is suffice to note that the Writ Petition was filed in the year 2014. For more than 3 years ad-interim relief was in operation in favour of the petitioners. It is only abruptly it was not extended after 4/9/2018.

6] As can be seen from the impugned communication addressed by the Chief Officer of the Wakf board to the Collector, referring to the observations made by this Court in the order dated 14/2/2019, that the Collector is requested to take appropriate steps for mutating the name of the Wakf board.

7] Considering all the aforementioned facts and circumstances, it would be appropriate to continue ad-interim relief for a limited period by putting the parties to notice that the matter shall be heard finally.

8] The Civil Application is allowed. The operation of the communication dated 23/10/2020 is stayed till the next date.

9] List the matter for admission with a specific understanding that it shall be heard finally at the stage of admission. **S.O. to 11/01/2021.**

[MANGESH S. PATIL, J.]

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