

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

WRIT PETITION NO. 8116 OF 2020

Khaja Ziyauddin Khaja Moinuddin

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. S. S. Kazi, Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondent Nos. 1, 3 and 4.

Mr. N. E. Deshmukh, Advocate for Respondent No. 2.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 09th DECEMBER, 2020.

PER COURT:-

. The learned A.G.P. appears for respondent Nos. 1, 3 and 4.

Mr. Deshmukh, learned counsel appears for respondent No. 2.

2. We have heard Mr. Kazi, learned counsel for the petitioner.

3. Mr. Deshmukh, learned counsel for the Wakf Board submits that as far as prayer clause (C) is concerned the same is sought by way of an interim relief and the order dated 05.05.2020 is not challenged in the writ petition. The learned counsel further submits that even otherwise the petitioner has remedy before the Wakf Tribunal to assail the same.

4. In the light of that, we are not inclined to decide the writ petition on merits qua the order dated 05.05.2020 issued by the Secretary, State of Maharashtra. The petitioner may avail the remedy as is permissible in the statute.

5. The another grievance of the petitioner appears to be that in the year 2003 the petitioner has filed application for succession before the Atiyat Court under the provisions of the Hyderabad Atiyat Inquiries Act, 1952 and the same is not yet decided.

6. The learned counsel for the petitioner submits that the last date before the Deputy Collector (Atiyat) was in April 2020.

7. In view of the contention of the petitioner that the Atiyat proceedings are pending since the year 2003, we expect that the Deputy Collector (Atiyat) or the authority entrusted with the said proceedings decide the same expeditiously. The competent authority where the Atiyat proceedings are filed by the petitioner, shall endeavour to decide the same expeditiously and preferably within a period of six (06) months from today.

8. Writ petition accordingly is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.