

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

CIVIL APPLICATION NO.2612 OF 2020
IN
REVIEW APPLN.ST.NO.38857 OF 2019
IN
WRIT PETITION NO.12172 OF 2019

SATTAR KHAN MOHAMMAD KHAN PATHAN
VS
HAZRAT DINA SHAH WALI DARGAR AND MASJID TRUST DEOLI
THROUGH SECRETARY AND ORS.

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Mr. SS Kazi, Adv. For applicant;
Mrs. VC Choudhary, AGP for Resp.No.2.

**CORAM : S.V.GANGAPURWALA &
SMT.VIBHA KANKANWADI, JJ.**

DATE : 28th February, 2020.

PER COURT :

1. Present Review Application is filed along with an application for condonation of delay of 26 days. The delay is condoned. CA stands disposed of.
2. We have heard Mr.Kazi, learned Advocate for applicant.
3. The review is sought of the order dated 14th October, 2019 in Writ Petition No.12172 of 2019. One of the contentions of learned Advocate for the applicant is that, the present applicant was not issued with any notice in the Writ Petition though he was a party respondent.
4. This Court directed the Chief Executive

Officer to decide the Change report. According to learned Advocate, Respondent No.2 does not have jurisdiction to decide the Change report and the jurisdiction vests with the Board only.

5. We feel that the present review does not merit consideration. We have only directed the Chief Executive officer to decide the change report. We have not restricted the present applicant from raising defences about the jurisdiction; authority of the person deciding the change report. The present applicant has every right to raise objections, as are permissible under law before Respondent No.2 including the authority of Respondent No.2 to decide the change report. It is trite that the judgment delivered by an authority *coram non-judice* is a nullity. All these aspects are certainly required to be decided by the authority, where the Change reports are pending.

6. The review application stands disposed of.

(SMT.VIBHA KANKANWADI)
JUDGE

(S.V.GANGAPURWALA)
JUDGE

bdv