

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

ORIGINATING SUMMONS NO. 16 OF 2019

Haji Noormahomed Haji Janmahomed Latiff

Charities & Ors.

....Petitioner

V/s.

State of Maharashtra & Ors.

....Respondent.

Mr. Kevic Setalvad, Senior Counsel with Mr. Anupam Surve, Mr. Nimish Kothare, Mr. Nikhil Mehta, Mr. Nitant Sheth, Ms. Ashwini Sonawane i/b M/s Nanu Hormasjee & Co. Advocates for plaintiff.

Mr. H.B. Takke, AGP for State, Respondent No.2.

Mr. R. M. Momin, Advocate for respondent nos. 3 & 4.

CORAM : G.S. KULKARNI, J.

DATE : 12 FEBRUARY 2020

P. C.

1. Learned counsel for defendant no. 3 and 4 makes a statement on instruction of defendant no.4, Mr. Khusro Khan, who is present in the court, that defendant nos. 3 and 4 are withdrawing the impugned communication dated 4 July 2019, exhibit-H at page-248, for the reason that the issues in regard to certain public trust and whether they can be considered as wakfs under the Wakf Act, 1995 are subjudice before the Supreme Court in SLP © No. 31288-90 of 2011 alongwith other matters in respect of which the interim order is passed by the Supreme Court in **Maharashtra State Board of Wakfs Vs. Yusuf Bhai Chawala & Ors. (2012) 6 SCC 328**. It is informed that the proceedings before the Supreme Court arise on a challenge to judgment and order dated 21 September 2011 passed by Division Bench of this Court in Writ Petition no. 2906-04 and writ petition no. 899/11 in the case of **Shaikh Yusuf Vs. State of Maharashtra (2011) 6 Mh. L. J. 691**.

2. As the impugned notice dated 4 July 2019 itself is withdrawn, Mr. Setalvad, learned senior Counsel for the plaintiffs would seek leave to withdraw this originating summons with liberty to espouse all contentions of the plaintiffs in appropriate proceedings as and when necessary.

3. Allowed to be withdrawn with liberty as prayed for. Disposed of accordingly.
4. Refund of court fees as per rules.

[G.S. KULKARNI, J.]