

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

928 PUBLIC INTEREST LITIGATION NO.82 OF 2021

SHAIKH HUZAFIA MEHDI ABDUL SAMAD AND ORS.

..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. V. D. Sapkal, Senior Advocate i/by Mr. Sanket N. Suryawanshi, Advocate for the Petitioner.

Mr. P. K. Lakhotiya, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 06th AUGUST, 2021.

PER COURT:-

1. Mr. Sapkal, learned Senior Advocate for petitioners submits that petitioners have locus to file the present Public Interest Litigation. The petitioners are challenging the settlement arrived at between respondent no.4 and respondent nos.5 to 10. According to the learned Senior Advocate petitioners are Muslims and being Muslims and residents of Ahemadnagar City, petitioners can assail the transactions between the Trust and respondent nos.5 to 10. The Wakf Board is also not taking any action. In all Waqf properties every Muslims have interest. In fact, the order of the Revenue Minister was assailed by respondent no.4 before this Court and compromise was arrived

between respondent no.4 on one hand and respondent nos.5 to 10 on other. The said compromise is unconscionable and against the provisions of the Statute.

2. We have heard the learned A.G.P.

3. The petitioners are not directly concerned with the Trust. The settlement between respondent no.4 on one hand and respondent nos.5 to 10 on other hand is arrived at in the year 1993 and same is sought to be challenged after 28 years. The settlement has been arrived at before this Court. This Court had disposed of the Writ Petition filed by the Trust in terms of the compromise. The learned Single Judge of this Court while recording the compromise had observed that terms of the compromise have been approved by the learned 3rd Additional District Judge, Ahemadnagar and in terms of the compromise this Court had disposed of the petition. The compromise decree is a contract between the parties superimposed with the seal of the Court.

4. As observed above, petitioners are not directly concerned with the Trust. The compromise is arrived at between the parties and the same has been accepted by this Court on 29.06.1993.

5. The petitioners though unconcerned with the transactions seek to reopen the same after 28 years.

6. In light of the aforesaid factual matrix, we are not inclined to entertain the present Public Interest Litigation. The Public Interest Litigation accordingly stands disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/August-2021