

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

WRIT PETITION NO.9788 OF 2021

**ADARSH HATMAG VINKAR SAHAKARI SANSTHA MARYADIT
THROUGH ITS PRESIDENT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr. Patil Indrale Anand V.
AGP for Respondents : Mr. S. G. Karlekar
...

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

DATE : 03rd SEPTEMBER, 2021

PER COURT :

1. Mr. Patil, the learned counsel for petitioners, submits that the names of the petitioners are validly recorded in the record of rights, since the year 1980 onwards. Abruptly, notices are issued to the petitioners claiming that the properties are waqf properties. According to the learned counsel, the mutation entries in favour of the petitioners cannot be changed, detrimental to the interest of the petitioners, without adhering to the principles of natural justice. No evidence exists to even *prima facie* conclude that the properties are waqf properties.

2. In case, the petitioners' names are mutated in the record of rights, the said record cannot be changed to the detriment of petitioners without issuing show cause notice to the

petitioners and without according opportunity of hearing to the petitioners. The respondents authorities shall issue notice to the petitioners before starting the procedure for taking the adverse action against the record standing in the name of the petitioners. The opportunity of hearing also needs to be accorded to the petitioners, if the inquiry is with regard to the recording of the names of the petitioners in the relevant record of rights.

3. With these observations, writ petition is disposed of.
No costs.

(R. N. LADDHA, J.)

(S. V. GANGAPURWALA, J.)