

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No. 4509/2019

Dr. Ayaz Ali s/o Ammer Ali

..VS..

The State of Maharashtra and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Firdos Mirza, Advocate for the petitioner
Ms. Tajwar Khan, AGP for respondent nos. 1, 3 and 4/State
Shri A.M. Qazi, Advocate for respondent no. 2.
Mrs. S.W. Deshpande, Advocate for respondent no. 5

CORAM : AVINASH G. GHAROTE, J.

DATED : 22/12/2021

Shri Qazi, learned Counsel for respondent no. 2/Waqf Board, has produced the record of the proceedings before this Court and submits that the record does not indicate any service of notice upon Ameer Ali, the father of the petitioner in respect of the proceedings of the Waqf Board, as a result of which, the impugned orders dated 02.06.2018 and 20.06.2019, could be considered to be without notice to the respondent therein.

2. Mrs. S.W. Deshpande, learned Counsel for respondent no. 5, has personally examined the record of the Waqf Board, as brought by Shri Qazi, learned Counsel for respondent no. 2/Waqf Board, and affirms the position that in the proceedings before the Waqf Board, the notice was issued and it remained unserved on account of want

of correct address as respondent no. 1 is said to have left the address on which it was issued, considering which, it is apparent that the impugned order dated 13.04.2018, (Annexure H); the order dated 02.06.2018 (Annexure I) and the order dated 20.06.2019 (Annexure L) will have to be held to have been passed without proper service upon the original respondents in those proceedings. This being the position, the aforesaid orders cannot be sustained and are hereby quashed and set aside.

3. Matter is remanded back to Maharashtra Waqf Board, Aurangabad, for deciding afresh, in accordance with law, after affording an opportunity to the parties to be heard.

4. The respondent no. 5 shall appear before the Waqf Board on **10.01.2022** and place all documents on which they rely upon.

5. The Waqf Board shall proceed to decide the mater within a period of four months from the date of receipt of this order.

6. Accordingly, the writ petition is **allowed** in the above terms. No costs.

JUDGE