

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

930 WRIT PETITION NO.2441 OF 2022

CHOTE KHAN NIAZ KHAN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Ms. Fatema S. Kazi

AGP for Respondent/State: Mr. P. N. Kutti

...

AND

...

964 WRIT PETITION NO.2541 OF 2022

MINHAJ KHAN MIYAJAN KHAN AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Ms. Fatema S. Kazi

AGP for Respondent/State: Mr. P. N. Kutti

...

**CORAM: S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATE: 22nd FEBRUARY, 2022

PER COURT:

1. Ms. Kazi, learned Counsel for the Petitioners submits that on the basis of the letter issued by the District Wakf Officer, the revenue record is sought to be changed. The Wakf Officer has no authority to issue such letter. The said letter is

illegal. The petitioners are also challenging the impugned notices.

2. Learned A.G.P. submits that there is remedy to the Petitioners to approach Wakf Tribunal.

3. The jurisdiction to determine the nature of the land, namely, whether it is Wakf land or not vests with Wakf Tribunal. In case, the dispute exists about nature of the property and / or Wakf, the Petitioners are at liberty to approach Wakf Tribunal.

4. Ms. Kazi, the learned Counsel on instructions submits that revenue record standing in the name of the Petitioners in respect of the writ land has not been changed and the names of the Petitioners still exist in the revenue record.

5. In case, the names of the Petitioners still exist in the revenue record in respect of the writ land, then the Revenue Officer shall not effectuate the change in the revenue record

without notice to the Petitioners and without hearing the Petitioners.

6. With the above observations, Writ Petitions stand disposed of. No costs.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]

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