

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

55 WRIT PETITION NO.2454 OF 2022

MUSHIR KHAN NIAZ KHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. S.S. Kazi h/f Smt. F.S. Kazi, Advocate for
the petitioner
Mr. S.B. Yawalkar, AGP for the respondent/State.

...
CORAM : S.V. GANGAPURWALA
AND
S.G. DIGE, JJ.

DATE : 21st FEBRUARY, 2022

PER COURT :-

. Mr. Kazi, learned counsel for the petitioner 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 petitioner is also challenging the impugned notice.

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

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

4. Mr.Kazi, learned counsel on instructions submits that revenue record standing in the name of the petitioner in respect of the writ land has not been changed and the name of the petitioner still exist in the revenue record.

5. In case, the name of the petitioner 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 petitioner and without hearing the petitioner.

6. With the above observations, Writ Petition stands disposed of. No costs.

(S.G.DIGE, J.)

(S.V. GANGAPURWALA, J.)

SGA