

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.2763 OF 2022**

SAFAR KHAN SATTAR KHAN PATHAN AND OTHERS
..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...
Mrs. Fatema S. Kazi, Advocate for the Petitioners.
Mr. S. K. Tambe, AGP for Respondents-State.
...

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

DATED : 24th FEBRUARY, 2022.

PER COURT:-

1. Mrs. Kazi, learned counsel for 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 notice.

2. Learned A.G.P. submits that, there is remedy to petitioners 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, petitioners are at liberty to approach Wakf Tribunal.

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

5. In case, the names of 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 petitioners and without hearing petitioners.

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

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE