

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

**CIVIL REVISION APPLICATION NO. 77 OF 2022**

Shaikh Shamsuddin Rahimuddin

..APPLICANT

VERSUS

The Maharashtra State Board of Waqf  
Through it's Chief Executive Officer,  
Aurangabad and Others

..RESPONDENTS

Mr. H.I. Pathan, Advocate for applicant

....

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**CORAM : R.G. AVACHAT, J.  
DATE : 11<sup>th</sup> AUGUST, 2022**

**PER COURT :**

1. Heard.

2. The challenge in this revision application is to an order of temporary injunction restraining the applicant herein from raising any kind of permanent structure on the suit property and/or creating any third party interest in respect thereof. After having gone through the order impugned, it would reveal that the applicant has admitted the suit property to be a Waqf property. In the given circumstances, the applicant cannot have any right to raise any kind of permanent structure thereon or even create any third party interest. The Court is, therefore, not inclined even to issue notice in this

matter. Needless to mention, the observations made hereinabove are prima facie in nature. The Waqf tribunal shall not be influenced thereby. The suit be decided on its own merits. The Waqf tribunal is requested to decide the suit within a period of two months from the date of receipt of copy of this order.

3. The civil revision applications fails. Same is dismissed.

**( R.G. AVACHAT, J. )**

SSD