

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 CRA NO.113 OF 2022

SHAIKH MOINUDDIN SHAIKH RAHIMUDDIN
VERSUS
THE MAHARASHTRA STATE BOARD OF WAQF THR CHIEF EXECUTIVE
OFFICER AND ORS

...
Advocate for Applicant : Mr. Pathan Hamzakhan I.
AGP for Respondents-State : Mr. S. N. Morampalle
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 14th October, 2022

PER COURT :

1. The applicant is challenging the interim order passed by the Maharashtra State Waqf Tribunal, Aurangabad in Wakf Suit No.100 of 2022, restraining the applicant herein from creating any third party interest or from changing the nature of the suit properties till the disposal of the suit.
2. The application for interim relief was heard by the said Tribunal and it was specifically noticed that the respondent/applicant herein has admitted the ownership of the Waqf Board on the suit property, and in the said circumstances, the interim order has been passed by the Tribunal.

3. This Court does not find anything wrong with the interim order as the property prima facie according to the applicant belongs to the Wakf Board.

4. The learned Advocate for the applicant submits that he is not even allowed to make a construction on the suit property. He has no objection as regards restraining him to create third party interest or from changing the nature of the suit property till the disposal of the suit.

5. In view of the above circumstances, it is hereby directed that the Wakf Tribunal to decide the main suit on its own merits as early as possible and in any event within a period of 18 months from the date of the receipt of this order.

6. With the above observations, the application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.