

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

**915 CRA NO.16 OF 2022**

**THE UNION OF INDIA THROUGH ITS SECRETARY  
VERSUS  
KHAYUM KHAN MAHEBOOB KHAN AND OTHERS**

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Advocate for Petitioner : Mr. Ajay G. Talhar  
Advocate for Respondent Nos. 2 and 3 : Mr. S. S. Kazi  
Advocate for respondent Nos. 1 and 4

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**CORAM : RAJESH S. PATIL, J.**

**DATE : DECEMBER 23, 2022**

**PER COURT : -**

1. The present Civil Revision Application is filed by the Union of India, Department of Atomic Energy, challenging the impugned order passed below Exh. 5, dated 02.03.2021, by the District Judge / Chairman, Maharashtra State Waqf Tribunal, Aurangabad in Wakf Suit No. 04/2021.

2. By the impugned order dated 02.03.2021 passed in the suit filed by respondent no. 1 claims to be Mutawalli. Defendant no. 1 therein along with the office bearers were restrained from carrying out any sort of construction, digging the soil and blocking/closing the approach road of the Dargah namely "Syed Shahmir Baba (R.H.)", situated in Survey No. 24 at Mujampeth, Vasarni, Tq. & Dist. Nanded, till the disposal of the suit.

3. Being aggrieved by the said order passed below Exh. 5, the present Civil Revision Application is filed by the Union of India through the Department of Atomic Energy.

4. While the Civil Revision Application was pending, by the order dated 01.08.2022 passed by this Court, it was recorded that the “Way” that is appearing in the picture marked “X” would in no way be hampered or blocked due to the development of ‘LIGO-India Project’ undertaken by the Union of India and the Union of India would proceed with the work. Thereafter, affidavit of Tahsildar, Nanded dated 25.11.2022 was filed. In the said affidavit, certain photographs and map produced by an Autodesk Educational Product has been filed along with the said affidavit of Tahsildar. Perusal of the said map shows the old road and the proposed new road. The said map has been attested and signed by Talathi Sajja – Vasarni, Tq. & Dist. Nanded. It is also stated in the said affidavit that 20 ft. wide road is proposed to the west side of the land of LIGO-India Project.

5. This matter was thereafter argued before me for sometime and today one more affidavit is filed by Tahsildar, Nanded, Mr. Kiran Chandrakant Ambekar, Tahsildar, Nanded, who is also present in the court. By his affidavit dated 20.12.2022, Tahsildar, Nanded, has stated that for visiting Dargah, an alternative South to North 20 ft. wide road

will be developed by the State Government so also the project of Union of India, namely, LIGO-India Project will be smoothly completed. The said affidavit in paragraph 4 specifically records that initially Murum road/Kachcha Road will be provided till the end of 31.12.2022 and further undertake to construct Tar/Asphalt road on the proposed Kachcha road for approaching Darghh, before 31.12.2023.

6. Respondent No. 1 – Mutawalli of the Dargah, who is present in the Court, informs through his Advocate that they are satisfied with the affidavit filed today by the Tahsildar, Nanded.

7. The Advocate for the respondent no. 1 further states, on instructions, that in view of the affidavit filed today by the Tahsildar, Nanded, he will take necessary steps to withdraw the suit.

8. For the sake of clarification, it has been stated that, all this arrangement is only as regards proposed 20 ft. wide road to approach Dargah. It is further clarified that, there is no stay to the LIGO-India Project and the work thereof shall proceed.

9. Civil Revision Application is accordingly disposed off.

**[ RAJESH S. PATIL ]**  
**JUDGE**