

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5040 OF 2010

Premkishor s/o Nandkishor Kakani

-- Petitioner/s

Vs.

The State of Maharashtra & Ors.

-- Respondent/s

Mr. J.T. Gilda, Advocate for the Petitioner.

Mrs. M.H. Deshmukh, A.G.P. for Respondent No.1.

Mr. Firdos Mirza, Advocate for Respondent No.2.

Mr. Zahid Shekhani, Advocate for Respondent No.4.

CORAM : NITIN JAMDAR &
ANIL L. PANSARE, JJ.

DATE : 22 FEBRUARY 2022

P. C. :

Heard learned Counsel for the parties.

2. The petition is placed on board in view of the application taken out by Respondent No.4.

3. In this petition, Rule has been issued and earlier ad-interim order has been continued. However, we note that the Court in the order dated 19 September 2011 has recorded the

contention of the Respondents that the Petitioner has a remedy of filing of Appeal under Section 83 of the Waqf Act, 1995.

4. That the Petitioner has a remedy of Appeal is not being disputed before us. The learned Counsel for the Petitioner submits that in spite of the alternative remedy, the petition should be entertained. We do not see any reason why it should be so when a full-fledged Appeal has been provided, where the Petitioner can raise all the contentions. We are informed that the Petitioner has already filed an Appeal. If the Petitioner has already availed of the alternative remedy, it is not necessary to keep the petition pending.

5. The petition is disposed of. The ad-interim order is continued for a period of four weeks. Any further interim order will be on its own merits by the Tribunal.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]