

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

WRIT PETITION NO.617 OF 2023

PUNDALIK NAGORAO MALKAPURE AND OTHERS
VERSUS
STATE OF MAHARASHTRA THROUGH CHIEF SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Uttam L. Telgaonkar
AGP for Respondents: Mr. A.S. Shinde
...

**CORAM : MANGESH S. PATIL AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 18.01.2023

PER COURT :

Heard.

2. The petitioners are seeking a declaration that the Government notification in respect of the writ properties issued purportedly under Section 4 of the Waqf Act, 1995 be set aside.

3. It transpires that in view of provision of Section 6 of Waqf Act already the respondent No.3 has filed a suit before the Waqf Tribunal even two of the petitioners are parties as defendants. No mandamus as is being claimed can be granted more so when the petitioner's right to file a suit under Section 6 is also *ex facie* time barred. We dispose of the writ petition with liberty to the petitioner to pursue his remedies and defend the suit.

(S.G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)