

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

WRIT PETITION NO. 4018 OF 2023

Sayed Irshad Sayed Ahemad
and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Anand V. Indrale Patil, Advocate h/f Shri Avinash N.
Suryawanshi, Advocate for the Petitioners.
Shri A. R. Kale, A.G.P. for the Respondent Nos. 1, 4 to 8.

**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.
DATE : 10TH APRIL, 2023.**

FINAL ORDER :

. Heard Mr. Indrale Patil, learned counsel appearing for the petitioners. He would invite attention of this Court to the notices dated 03rd March, 2023 issued by the revenue officer, wherein it is informed to the petitioners that land mentioned in the said notices is wakf property and the revenue record accordingly shall be corrected thereby incorporating name of the Wakf Board as owner of the property. It further informs the petitioners that if they have any objection, they are called upon to submit their title documents within a period of seven days. According to the learned counsel for petitioners already directions are issued by the revenue authorities vide order dated December 28, 2022 for

carrying out the corrections by incorporating name of the Wakf Board as owner of the property, as such what has been sought to be done by the impugned notices is an empty formality.

2. Learned Assistant Government Pleader Mr. Kale would oppose the prayer, as according to him, if the petitioners are able to demonstrate their title to the property in such an eventuality same shall be considered and appropriate reasoned order in the matter shall be passed.

3. We have considered the aforesaid submissions and we are intending to pass following order in the wake of rival submissions of the parties.

4. The petitioners are at liberty to submit their explanation to the notices issued to which are impugned herein within a period of fifteen (15) days from today along with their title documents. After submission of explanation and the title documents by the petitioners, we direct the respondent/revenue officer, who has issued notices to pass reasoned order in the matter dealing with claim of the petitioners of their lawful ownership over the property which is subject matter of this petition. Needless to clarify, before passing order since there is existence of revenue entry, revenue officer must grant opportunity of hearing to the petitioners. Petition accordingly stands **disposed of**.

5. Till the said order is passed by the revenue officer and the same is communicated to the petitioners, we direct revenue authorities to maintain *status quo* as on today.

[S. G. CHAPALGAONKAR, J.]

[NITIN W. SAMBRE , J.]

bsb/April 23