

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

909 WRIT PETITION NO.7677 OF 2023

MAHARASHTRA STATE BOARD OF WAQFS THROUGH ITS CHIEF
EXECUTIVE OFFICER IN CHARGE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...
Advocate for Petitioner : Mr. Najam E. Deshmukh
AGP for Respondent/State : Mr. S. B. Yawalkar
...

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.**

DATED : 07th JULY 2023

PER COURT : -

1. The petitioner prays for a direction that the Government Resolution dated 13.04.2016 be implemented in letters and spirit.

2. It is beyond debate that a Writ of Mandamus can be issued only when illegalities are pointed out and that too after all remedies available have been exhausted, so also when the authorities refuse to exercise the jurisdiction vested in them by law. When no incident of non-compliance or refusal to comply with the Government Resolution is noticed, a sweeping direction would not be in the fitness of things.

3. The learned advocate for the petitioner submits, on

instructions, that a representation dated 02.06.2022 before the District Collector, Aurangabad, may be considered by the said authority.

4. The learned AGP submits that the last paragraph of the representation indicates a dispute between the petitioner and many others, who are not before the court. Issue is as regards certain entries made in the revenue records, deletion of which is prayed for by the petitioner when the petitioner can avail of a statutory remedy.

5. In view of the above, the learned advocate for the petitioner submits that the petitioner would withdraw this petition and avail of the statutory remedy as may be permissible under law.

6. This **Petition stands disposed off** as withdrawn with liberty as is prayed for.

7. The time spent by the petitioner in this court from the date of the filing of petition till the passing of this order, would be a ground for condonation of delay, if any.

[Y. G. KHOBRAGADE]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE