

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

WRIT PETITION NO.8764 OF 2023

**SHAIKH IQBAL AHEMAD WASIFODDIN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY**

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Mr. J. M. Murkute, Advocate for Petitioners

Mr. S. W. Munde, AGP for the Respondent – State

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

DATE : 24.07.2023

PER COURT :-

1. The Petitioners have put forth prayer clauses (B), (C), (D), (E) and (F), as under:-

“(B) The respondent No.2 Chief Executive Officer, Maharashtra State Wakf Board may kindly be directed to accept the scheme submitted by the petitioners dated 16/11/2022 or frame the scheme u/s. 69 of the Wakf Act, 1995 for election of the Managing Committee and for proper administration of Dargah Hazrat Zainuddin Shirazi Bavis Khawaja and Dargah Hazrat Husain – Umar Shirazi RH, Masjid, Graveyard Khankha Khultabad, Tq. Khultabad, District Aurangabad.

(C) The respondent No.2 may kindly be directed to hold the election of Managing Committee of Dargah Hazrat Zainuddin Shirazi Bavis Khawaja and Dargah Hazrat Husain – Umar Shirazi RH, Masjid, Graveyard Khankha Khultabad, Tq. Khultabad, District Aurangabad by secret ballot paper, and by following the procedure of law.

(D) The Administrator/receiver may kindly be appointed for better administration of the Dargah Hazrat Zainuddin Shirazi Bavis Khawaja and Dargah Hazrat Husain – Umar Shirazi RH, Masjid, Graveyard Khankha Khultabad, Tq. Khultabad, District Aurangabad till the declaration of final result of the new Managing Committee.

(E) Pending hearing and final disposal of this Writ Petition the respondent No.2 Chief Executive Officer Wakf Board Aurangabad may kindly be directed to take immediate necessary steps for finalizing the scheme submitted by the petitioners for the election and immediately hold the election of Managing Committee for administration of the Dargah Hazrat Zainuddin Shirazi Bavis Khawaja and Dargah Hazrat Husain – Umar Shirazi RH, Masjid, Graveyard Khankha Khultabad, Tq. Khultabad, District Aurangabad.

(F) Pending hearing and final disposal of this Writ Petition by way of an interim order the Administrator/receiver may kindly be appointed for better administration of the Dargah Hazrat Zainuddin Shirazi Bavis Khawaja and Dargah Hazrat Husain – Umar Shirazi RH, Masjid, Graveyard Khankha Khultabad, Tq. Khultabad, District Aurangabad till the declaration of final result of the new Managing Committee.”

2. The Petitioners inform us that they have already moved the Chief Executive Officer of the Maharashtra State Wakf Board, Aurangabad vide a representation dated 16.11.2022. Notice of1 hearing was issued on 13.12.2022.

3. In view of the above, the Petitioners are at liberty to move an application to the Wakf Board for an expeditious hearing. Considering the pendency before it, the Wakf Board shall accordingly take up the pending proceedings for adjudication/decision, as expeditiously as possible.

4. With the above directions, **the Writ Petition is disposed off.**

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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