

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.441 OF 2022

Uday S/o Chintaman Chavhan

... Applicant

V/s.

Maharashtra State Board of Waqfs and
Anr.

... Respondents

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Mr. Priyal G. Sarda for the Applicant.

Mr. Rahimtulla Momin for Respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 5, 2023

P.C.:

1. Challenge in this application is to the order dated 4th January 2022, rejecting application of the applicant filed under Section 83 (2) of the Waqf Act 1995, challenging order dated 22nd January 2014 passed by Respondent No.1.

2. According to the applicant, Respondent No.2 executed development agreement in his favour by accepting Rs.5,00,000/- towards consideration. Possession of the property was not handed over. Applicant therefore filed an application before Respondent No.1 requesting to hold enquiry and deliver possession of suit property to the applicant. By order dated 22nd January 2014, respondent No.1 rejected the application of the applicant. The

applicant challenged the order before the Tribunal. The Tribunal by impugned order dated 4th January 2022, rejected the appeal.

3. It needs to be noted that permission under Section 51 of the Waqf Act, 1995, was not granted to the applicant before entering into development agreement, nor permission under Section 36(a) of the Maharashtra Public Trust Act, 1950 was granted.

4. In absence of such permission, the relief of possession as sought by the applicant could not have been granted by the authorities below.

5. Therefore, interference in the impugned order is uncalled for.

6. The civil revision application stands rejected.

(AMIT BORKAR, J.)