

SA Pathan

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

CIVIL REVISION APPLICATION NO.36 OF 2023

Saifan Rasheed Pathan ... Applicant

V/s.

Maharashtra State Board of Wakfs
Through Chief Executive Officer & Ors ... Respondents

Mr. M. A. Vaid a/w Ms. Vidhua N Shet i/by Vaid Associates, for Applicant.

Mr. Abdul Hafeez kotwala, for Respondent No.1.

Mr. Abdul Karim Naziruddin Mulla, for Respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 3, 2023

P.C.:

1. Challenge in this application is to the order dated 12 September 2022 in Waqf Application No.14 of 2022.
2. By the impugned order, the Tribunal set aside order dated 7 February 2022 passed by the Waqf Board rejecting Change Report filed by respondent Nos.1 to 5.
3. The Tribunal in the impugned order recorded a finding that in the first round of litigation arising out of Change Report initiated by applicant before the Tribunal for recording their names, the Change Report was allowed by the order dated 26

August 2019 by the Waqf Board.

4. The order was challenged before the Tribunal. The Tribunal by order dated 3 March 2021 remanded back the proceeding to the Board. Despite directions by the Tribunal to pass afresh order after conducting enquiry, the Board rejected the Change Report application without adjudicating rights of applicant. The Tribunal held that the order passed by the Waqf Board is in breach of order passed by the Tribunal in Waqf Application No.61 of 2019, the directions in the said order have not been complied.

5. Considering the aforesaid reasons assigned in the impugned order and the nature of the order passed by the Tribunal, in my opinion, no case for interference under Section 115 of the Code of Civil Procedure, 1908 is made out.

6. However, considering the directions issued by the Tribunal by clause (3) to decide the Change Report within three months afresh. It is hereby directed that respondent No.6 to the Waqf Application No.14 of 2022 i.e. Waqf Board shall decide Waqf Application No.61 of 2019 within three months from today.

7. The civil revision application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)