

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1411 OF 2023

(Abdul Mannaa s/o Abdul Gaffur Vs. State of Maharashtra thr. its Secretary, Ministry of Minority Development and Waqf Department, Mumbai and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. S. A. Puranik, Advocate for Petitioner.
Mr. M. K. Pathan, AGP for Respondent 1/State.

CORAM: VRUSHALI V. JOSHI, J.

DATE: 12th MAY, 2023.

This is third round of litigation, the grievance of the petitioner is that the complaint lodged by him about misappropriation is not considered by the Waqf Board and therefore, he has filed this petition and prayed to stay the election programme declared by the Election Officer. In earlier round of litigation, this Court has already passed the order and observed as under:

By this petition, the petitioner seeks the appointment of the Administrator on the respondent no.1- Wakf. The petitioner seeks a declaration that the elections are illegally scheduled on 16.8.2016 and the members are illegally inducted in the Trust.

We are afraid that the relief sought by the petitioner cannot be granted in exercise of writ jurisdiction, more so, when the petitioner has alternate remedy

under the Wakf Act.

2. The prayer clause (vi) for grant of stay to the impugned order dated 17.01.2023 is rejected and the oral prayer to stay the election of the Waqf is also rejected.

3. Stand over to 09.06.2023.

CIVIL APPLICATION (W) NO.1475/2023:

For reasons given in the application, the application is allowed.

2. The petitioner to file the documents on record within two weeks.

3. The application is disposed of.

JUDGE