



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1005 WRIT PETITION NO. 2370 OF 2020

VAISHALI VIJAY RUDRAWAR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH COLLECTOR AND OTHERS

...

Advocate for the Petitioner : Mr. Deshmukh Arvind
AGP for Respondents Nos.1 to 3: Mrs. K. R. Jamdhade

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CORAM : ARUN R. PEDNEKER, J.

DATE : 16th JANUARY, 2024

PER COURT:

1. Heard.
2. The learned counsel for the petitioner has pointed out order dated 13.07.2017, passed in Writ Petition No.8859 of 2016 and other connected writ petitions. The learned counsel submits that in an identical situation this court has passed an order on 13.07.2017, wherein this court has held at paragraphs no.4 and 5, page 32, as under:-

“4. It is, therefore, obvious that this Court had formed a view in this matter, after hearing the parties that as no relief has been claimed against respondent No.4 in the first matter and as against respondent No.3 in the remaining matters and since the petitioner did not intend to put forth any claim against the said respondent which is the Wakf board, the said Wakf board would never be allowed to intervene in the present proceedings in order to promote its own cause.

5. Considering the above and upon considering the submissions of the learned Advocates, all these petitions are disposed of in terms of the conclusion drawn by this Court in paragraph No.2 of the order of this Court dated 17.3.2017. Consequentially, the impugned orders dated 1.4.2016 passed by the learned Trial Court in RCS Nos.328/15, 332/15, 334/15, 335/15, 336/15, 337/15, 338/15, 339/15, 341/15, 343/15, 369/15 are quashed and set aside. Needless to state, if the Wakf board has any grievance or dispute or claim against these petitioners, they would be at liberty to resort to such a remedy, as is permissible in law.”

3. The learned counsel submits that the same order be passed in the present matter as the facts are identical.

4. Respondent No.4 though served has not entered appearance.

5. The impugned order dated 13.07.2017 has held that respondent no.4 – Waqf Board would have no right to enter into the proceedings, as no relief is claimed by the petitioner against respondent no.4. The Respondent No.4 is at liberty to resort to such remedy as is permissible in law, if it has any claim against the petitioner.

6. In view of the same, the present writ petition is also disposed of with the same observation as recorded above.

[ARUN R. PEDNEKER, J.]