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925wp2805.24

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

925 WRIT PETITION NO. 2805 OF 2024

**KANHIBA DEO ALIAS HAZRAT BABA RAMZAN DARGAH
WAKF THROUGH ITS TRUSTEE AND ANOTHER**

....Petitioners

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

.....Respondents

Mr. T. J. Momin, Advocate for the Petitioners

Mr. S. K. Tambe, AGP for the Respondents/State

**CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ.**

DATE : 14th MARCH, 2024

P. C.

1. Without pinpointing a cause of action or legal injury, the Petitioners seek a Writ of Mandamus to give mandatory directions to all the Respondents to take legal action for 'protection of Wakf Institution'. Further directions are sought that the Respondents should do their lawful duties as per the orders of the Judge/Chairman of the Maharashtra State Wakf Tribunal, Aurangabad dated 09-03-2023.

2. The order dated 09-03-2023, is a direction in the Wakf Suit No. 16/2023, by which, Plaintiff Nos. 1 to 11 and Respondent Nos. 1 to 19 in those proceedings, are temporarily restrained from doing religious activities in the suit structure/property situated in Gut No. 23, till the decision on the Exh.5-application.

3. As such, Petitioner No.1 claiming to be the Trustee of Kanoba Deo @ Hazrat Baba Ramzan Dargaha Wakf, is also under an injunction vide order dated 09-03-2023, since he is a Plaintiff. He has no reason to approach this court for issuance of a Writ of Mandamus. He has to obey the said order in letters and spirit. If any body violates the orders, he can resort to legal remedies.

4. **This Writ Petition is, therefore, dismissed.**

[R. M. JOSHI, J.]

[RAVINDRA V. GHUGE, J.]