



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

WRIT PETITION NO.11207 OF 2024

Shreyas Infrastructures and anr.
VS.
State of Maharashtra and ors.

Mr.S.S.Kazi, Advocate for petitioners
Mr.S.V.Hange, AGP for respondent nos.1 and 3
Mr.Najam Deshmukh, Advocate for respondent no.2
Mr.L.S.Shaikh, APP for respondent no.4

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.**
DATE : OCTOBER 08, 2024

ORDER :-

Learned counsel for the petitioners submits that though the appeal of the petitioners is pending before the Waqf Tribunal, the Collector is in the process of taking possession of the land, though the provisions of Section 52(5) of the Waqf Act, 1995, prevents it from doing so.

2. Section 52(5) of the Waqf Act, reads thus:-

52(5). Where an order passed under sub-section (2) has not been complied with and the time for appealing against such order has expired without an appeal having been preferred or the appeal, if any, preferred within that time has been dismissed, the Collector shall obtain possession of the property in respect of which the order has been made, using such force, if any, as may be necessary for the purpose and deliver it to the Board.

3. Learned counsel appearing for the Waqf Board submits that the appeal is fixed for final hearing on Monday, 14.10.2024.
4. Learned AGP submits that he will bring the said provisions of the Waqf Act to the notice of the Collector and his subordinates who are dealing with the subject-matter.
5. In view of the above, we do not see any reason to keep the petition pending and hence, the same stands disposed of.
6. Parties to act on an authenticated copy of this order.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP