



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

WRIT PETITION NO. 1706 OF 2024

(Waqf Institution Madina Masjid Arvi Naka ..vs.. The Maharashtra State Waqf Board 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. Zahid Shekhani, Counsel for the petitioner.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 12-03-2024

Heard.

2. According to the learned Counsel for the petitioner, against the order dated 12-1-2024 an appeal is already pending under Section 69 of the Waqf Act before the Maharashtra State Waqf Tribunal at Aurangabad. He would claim that in view of the provisions of sub-section (3) of Section 69 of the Waqf Act, since the Tribunal has no power to grant interim relief, he has moved before this Court seeking interim stay to the order dated 12-1-2024. According to him, once the unamended provision of the scheme contemplates extension of another term of five years to an elected body, there was no reason for the Waqf Board to amend and delete the said condition.

3. He would claim that since the appeal is a statutory right and substantial appeal is pending questioning the order impugned, it is necessary that till

the decision of the appeal the order impugned needs to be stayed.

4. We have appreciated the afore-stated submissions in the light of observations made in the order impugned. The Waqf Board is a democratic ruled body. The term of the elected body of the petitioner waqf is admittedly for a period of five years.

5. Unamended provision of the bye-laws/scheme provides for extension of another term of five years to the elected body.

6. Since the Waqf Board was of the view that such condition of granting extension of one full year term to an elected body is contrary to the democratic process and principle, in our opinion, rightly so passed the impugned order.

7. We are of the view that the petitioner has not made out a case for grant of interim relief as prayed. The petition is accordingly dismissed. The hearing of the appeal is expedited as prayed.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)