



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

WRIT PETITION NO. 2312 OF 2025

**SHAIKH MOHD TAHER MOHD SATTAR KHATIK ALIAS
TAHER SATTAR KHATIK**

VERSUS

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

...
Shri B.N. Patil, Advocate h/f Shri Rodge Krishna Pratap,
Advocate for the Petitioner.
Ms. D.S. Jape, AGP for Respondent Nos.1 and 3/State.
...

**CORAM : MANGESH S. PATIL
&
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 17th February, 2025

Per Court :-

Heard.

2. The petitioner claims to be Mutawalli and is aggrieved by the response by the Maharashtra State Wakf Board dated 28.12.2022 to the queries made by the concerned P.S.I. of Harsul Police Station, dated 28.12.2022 whereby, the latter has solicited certain information *inter alia* touching the right in respect of a Kabrastan.

3. The petitioner is seeking following prayer clause C:-

“C. By issuing appropriate writ, order or direction in the like nature, the impugned communication issued by respondent No.2 dated 28.12.2022 bearing outward No.मरावम / अतियात/ ३८९/ १०३७८/२०२२ be kindly quashed and set aside and for that purpose, necessary orders be passed;”

4. The learned advocate for the petitioner submits that since the petitioner is directly interested and is claiming to be Mutawalli having some semblance of rights in respect of working of Kabrastan, the Wakf Board ought not to have shared any information in response to the query by the PSI without his concurrence.

5. Accepting the stand of the petitioner at its face value, if he is independently claiming to be Mutawalli, it would be appropriate for him to vindicate his rights by resorting to the remedy available under the Wakf Act. Going by the only prayer being made, in our considered view, no such writ can be issued only because the petitioner is not comfortable by the stand being taken by the Wakf Board. If at all he has any grievance, he can file a suit under the provisions of the Wakf Act.

6. The Writ Petition is disposed of with liberty to the petitioner to resort to appropriate remedy as is available to him in law.

kps

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)