



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

WRIT PETITION NO. 7112 OF 2025

SAMEER AHEMAD NOOR KHAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

Mr. Shaikh Md Aamir Abdul Qadir, Advocate for the Petitioner.

Mr. S. P. Jadhavar, AGP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 18th JUNE, 2025.

P.C.:-

1. Heard Mr. Shaikh, learned Advocate appearing for petitioner.

2. According to petitioner, Dargah Hazrat Ramzan Baba @ Kanoba situated at Pachegaon, Tal. Georai, Dist. Beed is already registered as Waqf Institution. The certificate of registration dated 17.10.2024 is issued by Chief Executive Officer, Maharashtra State Waqf Board at Chhatrapati Sambhajinagar. Even it has been Gazetted at Serial No.144, Part-A, Page Nos.20 and 21 dated 21.02.1974 and deemed to be registered under Section 43 of the Waqf Act, 1995. In this background, proceeding is initiated before Assistant Charity Commissioner at Beed by one Khandu Atmaram Shelke for registration of public trust namely Kanifnath Maharaj Mandir Devasthan, Pachegaon. The learned Advocate submits that when Waqf is already registered, application for registration of public trust cannot be entertained in view of Section 108 of Waqf Act and such objection is raised before Assistant Charity Commissioner.

3. Admittedly, no order is passed on such application by Assistant Charity Commissioner. It is, therefore, for the petitioner to pursue objection on aforesaid grounds and it is for Assistant Charity Commissioner to consider the same and pass appropriate order.

4. In this background, this Court is not inclined to entertain Writ Petition. The petitioner shall be at liberty to pursue his objection before Assistant Charity Commissioner, who shall pass appropriate order after considering rival submissions and contentions of parties within period of three months from today.

5. Writ Petition stands dismissed with aforesaid directions.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/June-2025