



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CRA NO. 102 OF 2019

SHAIKH KHWAJA ABDUL JALIL AND OTHER
VERSUS
KHOTALA TALAO MASJID TRUST THROUGH IT S TRUSTEE MOHAMMED
ALI HAJI ABDUL JALIL AND OTHER

...

Mr. Shaikh Mujtaba Gulam Mustafa, Advocate for the Petitioner
Mr. S. V. Dixit, Advocate for Respondent Nos.1 to 3

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CORAM : AJIT B. KADETHANKAR, J.
DATE : 07.10.2025

PER COURT :-

1. Heard Mr. Mustafa, learned counsel for the applicants as well as Mr. Dixit, learned counsel for the contesting respondents.
2. It transpires that change report contained in File No. ENQUIRY/42-536/2014 was accepted by the learned Chief Executive Officer of Maharashtra State Board of Wakf, Aurangabad, vide order dated 04.03.2015 under Section 42 of the Waqf Act, 1955.
3. Present respondents challenged that change report in an application under Section 83(2) of the Wakf Act, 1995 before the Maharashtra Wakf Tribunal, Aurangabad. The present applicants were party to that.

4. Upon hearing of the parties, the learned Tribunal vide its judgment and order dated 07.03.2019 allowed the application and the order dated 04.03.2015 passed by the C.E.O. of the Board under Section 42 of the Waqf Act, 1955, came to be turned down. As against the order dated 07.03.2019, present civil revision application is filed by the applicants to contest termination of their change report.

5. Mr. Mustafa, learned counsel for the applicants would try to emphasize that the procedure for passing their change report was meticulously followed by the Competent Authority i.e. the Chief Executing Officer and there was nothing wrong so as to turn down the change report that too at the behest of the present respondents. Mr. Mustafa, learned counsel would submit that the subsequent change report dated 03.09.2024 has been placed on record by the applicants themselves vide additional affidavit as such there is no dispute that there is subsequent change report approved by the Maharashtra State Board of Waqf in the name of present respondents which is intact even today. He however advocates the earlier change report/order.

5. On the contrary, Mr. Dixit, learned counsel, while supporting the findings rendered by the learned Tribunal, would additionally submit that after rejection of the change report of the applicants by the Tribunal, the present respondents filed another change report before the Competent

Authority and the same has been approved. Mr. Dixit, learned counsel, would submit that in view of the fact that the subsequent change report is also approved and remains intact without any challenge thereto, the present civil revision application has become nothing more than an academic discussion. He would further submit that any objection to the subsequent change report cannot be raised to counter the findings rendered by the learned Tribunal in the present proceedings.

6. Mr. Mustafa, learned counsel, would submit that they had no notice regarding the subsequent change report nor were they made parties to that proceeding. Mr. Mustafa was at pains to demonstrate that the approach and conduct of the Waqf Board is highly doubtful as seen from the documents placed on record particularly the receipt Form-M-2 dated 12.06.2025 wherein the same Waqf Board has accepted the applicants as trustees at least till that date.

7. In view of the above, since the subsequent change report filed by the present respondents has been allowed by the Competent Authority, the present applicants have every right to assail it on merits. However, the fact cannot be overlooked that in light of the subsequent change report, the debate in the present civil application remains only an academic discussion and may create confusion in further proceedings. In view of this, I feel it appropriate to

dispose of the present civil revision application as infructuous, only due to the subsequent development.

8. Mr. Mustafa, on instructions would submit that they were not party to the subsequent change report proceedings and that it was processed keeping them in the dark and by suppressing material facts of the case as well as the procedure, which could have changed the outcome of the subsequent proceedings filed by the respondents. Mr. Mustafa would submit that the applicants intend to assail the subsequent change report through separate proceedings, and he be allowed to raise all points and objections in those proceedings challenging the subsequent change report.

9. In view of this, I pass the following order :-

ORDER

- a. Civil Revision Application is disposed of as infructuous.
- b. This Court has not opined a single finding on merits of the case.
- c. If the applicants challenge the subsequent change report allowed by the Maharashtra State Board of Waqf, Aurangabad, dated 03.09.2024, they shall be at liberty to raise every contention that they have raised in this civil revision application, as well as any other contention permissible to be raised against the subsequent change report. It is also made clear that the Competent Authority dealing with the objection against the subsequent change report shall consider the issue of limitation, if

any, in light of the period elapsed during the pendency of this civil revision application, as also the contention of Mr. Mustafa that the subsequent change report was passed behind their back.

10. Mr. Dixit, learned counsel for the respondents, also submits that in the event any objection is raised by the present applicants to the subsequent change report, the respondents be permitted to defend such challenge on every available ground.

11. It is needless to observe that in such contingencies, both parties are at liberty to raise every ground to substantiate and defend as the case may be to their respective change report.

[AJIT B. KADETHANKAR, J.]