



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONT. PETITION NO. 406 OF 2023

Shaikh Nasir Ahmed Mohammed IsmailPetitioner

VERSUS

Mohinuddin Babalal Tashildar
The Chief Executive Officer
Maharashtra State Board of Wakf AurangabadRespondent

Mr. S. S. Kazi, Advocate for the Petitioner.
Mr. N. E. Deshmukh, Advocate for the Respondents.

CORAM : KISHORE C. SANT, J.
DATE : 1st DECEMBER, 2025.

PER COURT :

1. Heard learned Advocates for the parties.
2. This Petition is filed alleging contempt against the Respondents/authorities of the order passed by the State Wakf Tribunal dated 08.05.2023.
3. The order was passed on the basis of pursis dated 08.05.2023 in Wakf Application No. 43/2023. The main Application itself was disposed of on the basis of the pursis dated 08.05.2023. By way of the pursis, the charge was to be handed over by the District Wakf

Officer, Palghar to the trustees. It is the case of the Petitioner that no such charge is handed over and therefore, Contempt Petition is filed.

4. Learned Advocate Mr. Deshmukh produces on record a communication dated 25.07.2023, by the District Wakf Officer, Palghar addressed to the Chief Executive Officer, Maharashtra State Wakf Board, Aurangabad. In the said communication, it is stated that the possession of the office of Jama Masjid Trust, District Palghar is given to the trustees. A panchanama is also annexed with the said communication. He, thus, submits that nothing remains in the Contempt Petition and the action needs to be dropped.

5. Learned Advocate for the Petitioner disputes compliance of the order. He submits that though the possession of the Masjid is given to the trustees, however, no charge is handed over by the District Wakf Officer. He further submits that the contempt Petitioner has also filed additional affidavit on record showing that the order is not complied with. Audit report for the period from 2022-2025 along with income and expenditure statement is also not given. He submits that this communication cannot be said to be handing over of complete charge. He, thus, submits that the Contempt Petition requires to be taken further.

6. This Court has gone through the submissions and the order of which contempt is alleged and the communication dated 25.07.2023. By letter dated 25.07.2023, the District Wakf Officer has clearly stated that the possession of the office of the trust is handed over to the trustees. A panchanama is also drawn. The signatures of the trustees are appearing on the panchanama. Though learned Advocate for the Petitioner submits that complete charge is not handed over, this Court finds it difficult to go into factual position in a contempt jurisdiction. This Court, only has to find that whether the order is complied with, without going into the minute details. Now there is affidavit against affidavit. In such circumstances, this Court has to go by the affidavit filed by the District Wakf Officer, Palghar as he is the officer of the Wakf Board.

7. In such circumstances, this Court does not find any reason to continue with the contempt proceeding. The Contempt Petition, therefore, stands disposed of. Action of contempt is dropped.

(KISHORE C. SANT)
Judge