



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CONT. PETITION NO. 491 OF 2025**

NOORANI MASJID MADARSA (MUSLIM SUNNAT JAMIYAT)
THROUGH ITS RAMJAN CHANDSO GHUDUBHAI

VERSUS

AJAY NARALE, CHIEF OFFICER, HUPRI NAGAR PARISHAD

Mr. Shaikh Altamash Abdul Latif, Advocate for the Petitioner.

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 07th JULY, 2025.**

P.C.:-

1. The learned Advocate appearing for petitioner invites attention of this Court to order passed below Exhibit-23 in Waqf Suit No.184/2022 in which paragraph nos.3 and 4 records thus:

“3. The learned advocate Mr. A. S. Ghayal for defendant No.2 submits that, notice is not for demolition but for directing the plaintiff to produce their documents on 10.12.2024, for hearing before the Chief Officer of Municipal Council. He submitted that, said notice does not reflect that, the demolition is to be taken place and has submitted that, no demolition is going to take place.

4. The statement of learned advocate Mr. A. S. Ghayal is taken on record that, no demolition is going to take place pursuant to the notice dated 27.11.2024. Since the learned advocate for the defendant No.2 has made statement at bar, time is to be granted to file reply to the application for grant of status-quo Exh.22. Hence, we pass the following order

ORDER

- 1) Application Exh.23 is allowed.*
- 2) Time is granted to file reply to application Exh.22.*
- 3) Matter is adjourned to 20.12.2024.*
- 4) Application Exh.23 is disposed of.”*

2. The learned Advocate appearing for petitioner submits that in spite of statement being made before Waqf Tribunal, respondent has demolished suit property on 10.01.2025.

3. In case respondent has committed breach of order or oral undertaking given to Court, it has been for the petitioner to file proceeding under Order 39 Rule 2(A) of Code of Civil Procedure. However, disputed question of fact need not be gone into by this Court, when efficacious remedy is available to petitioner.

4. In that view of the matter, Contempt Petition stands dismissed with liberty in favour of petitioner to file appropriate proceeding before Waqf Tribunal.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/July-2025