

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 122 OF 2005

ALONGWITH

CIVIL APPLICATION NO. 19 OF 2008

Dargah of Hazarat Peer Langotbandh,
through its Trustees, Babumiya
Mehboob Mujawar & Ors.

.....*Petitioners*

: *Versus* :

The Superintendent (J), Public Trusts
Registration, Sangli and others

....*Respondents*

None for the Petitioners.

Mr. S. D. Vyas, Additional Government Pleader with *Mr. M.M. Pabale,*
AGP for the Respondent Nos. 1 and 3.

Mr. Tooba Momim (through V.C.) *i/b Mr. R. M. Momim, for Respondent*
Nos. 4, 5, 6, 8 and 9.

**CORAM : ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATED : 4 JULY 2025.

P.C. :

1) None for the Petitioners. Mr. S. D. Vyas, Additional Government Pleader appears for the Respondent Nos. 1 to 3-State and Mr. Tooba Momim, the learned counsel appears for Respondent Nos. 4, 5, 6, 8 and 9. In the Public Interest Litigation, the Petitioners, *inter-alia*, has prayed for the following reliefs :-

(a) That, this Hon'ble Court may be pleased to issue a writ of mandamus or writ in the nature of mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India, preventing the Respondent No.1 from complying, implementing and/or executing said show cause notice dated 26/07/2004 issued to the Petitioners for transferring the entire record and proceedings of Dargah of Hazrat Peer Langotbandh, Ashta, Tal. Walwa, Dist. Sangli to Maharashtra State Board of Wakf at Aurangabad;

(b) ex-parte order passed by Addl. Collector and Chief Executive Officer, Maharashtra State Board of Wakfs, Aurangabad dated 11/1/2005 u/s. 43 of wakf Act declaring Dargah of Hazrat Peer Langotbandh, at Post Ashta, Tal : Walwa, Dist. Sangli as deemed registered under the Waqf Act, 1995 be quashed and set aside and further hearing on Application 20 of 2005 filed in the Court of Chief Executive officer, Maharashtra State Board of Waqf at Aurangabad be stayed;

2) The Bench of this Court by an order dated 5 October 2005 had issued Rule and show cause notice dated 26 July 2004 was stayed. The Writ Petition is pending before this Court for past about 21 years. At this point of time, we are not inclined to examine the validity of show cause notice dated 26 July 2004 on account of efflux of time. The show cause notice dated 26 July 2004 is therefore quashed and set aside. However, liberty is reserved to the Respondents to take fresh action against the Petitioners², if so advised in accordance with law. With the aforesaid liberty, the PIL is disposed of.

3) With disposal of the PIL, Civil Application No.19/2008 taken out for interim reliefs does not survive. The same stands disposed of.

[SANDEEP V. MARNE, J.]

[CHIEF JUSTICE]

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