

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 1439 OF 2025

Harjitsingh Indersingh Gurudatta & Anr. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Shekhar Jagtap i/b J. Shekhar & Associates for the
Petitioners

Mr. S. P. Kamble, A.G.P for the Respondent No.1-State

Ms. Rukshin Ghiara a/w Ms. Nikita Lad i/b Saga Legal for the
Respondent Nos. 2 and 3

***CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.
WEDNESDAY, 25th JUNE 2025***

P.C :

1 In view of the preliminary objection raised by the
learned counsel for respondent Nos. 2 and 3, the learned counsel
for the petitioners, on instructions, seeks leave to withdraw the
petition with liberty to pursue the alternate efficacious remedy
i.e. by filing an appeal before the Waqf Tribunal.

2 The petition is accordingly disposed of as withdrawn,
with liberty as prayed.

3 Needless to state that, if an application for
condonation of delay is filed, the Tribunal shall take into
consideration the pendency of this petition before this Court.

4 Even otherwise, the learned counsel for respondent
Nos. 2 and 3 states that she would not object to the condonation
of delay, if any, in filing the appeal before the Tribunal. Statement
accepted.

5 We make it clear that the petition has not been heard
on merits and as such, all contentions of all parties on merits are
kept open.

6 Without going into the merits, the interim relief
granted by this Court vide order dated 30th April 2025 to

continue for a period of four weeks from today to enable the petitioner to file an appropriate appeal before the Tribunal.

7 We also make it clear that it will be open to the Tribunal to consider the continuation of the interim relief on its own merits, in accordance with law.

8 All concerned to act on the authenticated copy of this order.

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.