

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9596 OF 2025

Anjuman Khuddam E Millat Ahale Sunnat
Noore Mohammadi Sunni Masjid Thru.
Representatives

...Petitioners

Versus

Tahasildar -3 (Special Cell) SRA And Ors.

...Respondents

SANTOSH
SUBHASH
KULKARNI

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Mr. Yusuf Khan, a/w Modi Adil Haroon, for the Petitioners.

Adv. Ravleen Sabharwal, a/w Aarushi Yadav and Mandar

Waidande, for Respondent Nos.1 and 2.

Mr. Mandar Limaye, i/b S. S. Bedekar, for Respondent No.3.

Ms. Rukshin Ghiara, i/b Saga Legal, for Respondent No.4.

CORAM: N. J. JAMADAR, J.

DATED: 15th JULY, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 27th June, 2025 passed by the Waqf Tribunal, Aurangabad, ("the Tribunal") whereby an application preferred by the petitioners for temporary injunction restraining respondent No.3 from alienating, selling or creating third party interest, raising any sort of construction, changing the nature of the subject property and interfering with the possession of the petitioners or demolishing the structure of Masjid, which stands on the subject property, came to be rejected.

3. The Tribunal was of the view that the petitioners have subjected themselves to the jurisdiction of Slum Rehabilitation Authority (“SRA”) for allotment of permanent alternate accommodation and, therefore, if the petitioners are aggrieved by the permanent alternate accommodation to be allotted, the petitioners were required to work out their remedies before the Appellate Authority under the provisions of Section 35 of The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (“the Slum Act, 1971”).

4. It is indisputable that the petitioner – Trust has been held eligible for allotment of a permanent alternate accommodation under the slum rehabilitation scheme. The petitioners have not challenged the order passed by the Competent Authority before the Apex Grievance Redressal Committee (“AGRC”) in accordance with the provisions contained in Section 35 of the Act, 1971.

5. The learned Counsel for the petitioners, on instructions, submits that the petitioners would approach the Appellate Authority. However, in the meanwhile, the petitioners be protected.

6. The Court is informed that an interim order of injunction passed by the Tribunal was in operation till 8th July, 2025. In these circumstances, the petition stands disposed with liberty to the petitioners to approach the Appellate Authority under Section 35 of the Slum Act, 1971.

7. To facilitate the petitioners to approach the Appellate Authority, the interim order passed by the Tribunal shall continue to operate for two weeks from today.

8. The petition stands disposed.

9. All contentions of all the parties are kept open for consideration before the Appellate Authority.

10. In the event the appeal is filed, the Appellate Authority is requested to hear and decide the appeal as expeditiously as possible.

[N. J. JAMADAR, J.]