

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

WRIT PETITION NO. 16915 OF 2025

- | | |
|---|------------------|
| 1. Tahera Nazir Shaikh |) |
| Age: 72 years, Occupation: Household, |) |
| | |
| 2. Faimida Yasin Shaikh |) |
| Age: 60 years, Occupation: Household, |) |
| Nos. 1 and 2 residing at Chandratara |) |
| Masjid, 718 Nanatech, A1 Mir Apt, |) |
| Pune-411 002 |) |
| | |
| 3. Munaf Mumtaj Shaikh |) |
| Age: 57 years, Occupation: Household, |) |
| | |
| 4. Gousuldagar Mumtaj Shaikh |) |
| Age: 45 years, Occupation: Agriculturist, |) |
| | |
| 5. Shahida Mumtaj Shaikh |) |
| Age: adult, Occupation: Agriculturist, |) |
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| 6. Rabiya Salim Mujavar |) |
| Age: 41 years, Occupation: Agriculturist, |) |
| | |
| 7. Vahan Mumtaj Shaikh |) |
| Age: 55 years, Occupation: Agriculturist, |) |
| Nos. 3 to 7 residing at 58, Juna Bazar, |) |
| Khadaki, Pune-411 003 |) |
| | |
| 8. Shaheda Rafik Mujawar, |) |
| Age: 68 years, Occupation: Agriculturist, |) |
| Residing at Mujawar House, |) |
| Khatik Galli, Mazil, Karjat, |) |
| Taluka Karjat, District: Raigad. |)... Petitioners |

Versus

1. The District Collector,)
Pune, New Building, A Wing,)
4th floor, Pune-1.)
2. The Sub Divisional Officer,)
Pune Sub Division, Pune)
Old Zilla Parishad, 3rd floor,)
Pune-411 001.)
3. The Tahsildar,)
Shirur, Ring Central Administrative)
Building, Old Pune-Nagar Road,)
Shirur, Taluka Shirur, District: Pune.)
4. The Circle Officer,)
Koregaon Bhima, Taluka Shirur,)
District: Pune.)
5. Maharashtra State Board of Waqfs)
Chattrapati Sambhaji Nagar-431002.)
6. The District Waqf Officer, Pune)
Platinum Building, 1st Floor,)
Plot No.11, Mangawar Peth)
Besides Sinchan Bhavan, Pune-411 011.)
7. The State of Maharashtra)... Respondents

Mr. Vivek V. Salunkhe, for the Petitioners.

Mr. Saket Mone, 'B' Panel Counsel for the Respondent Nos.1, 2, 3, 4
and 7-State.

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 18th DECEMBER, 2025.

Order (Per Sandesh D. Patil, J) :

1. By the present Writ Petition, the Petitioners are seeking quashing of the notice dated 11/11/2025 issued by Tahsildar, Shirur, Pune whereby the Respondent No.3 had directed the Respondent No.4 to take possession of the Petitioner's property. The basic contention of the Petitioners is that such a notice directing to take possession of the property of the Petitioners cannot be resorted to without complying with the provisions of Section 52(2) of the Waqf Act, 1995. Petitioners specifically contend that the Authorities had not served upon the Petitioners any order passed by the Respondent No.1 under Section 52(3) of the Waqf Act, 1995. In the absence of the said order, the possession of the property of the Petitioners could not be taken by virtue of the impugned notice.

2. Mr. Saket Mone, learned 'B' Panel Counsel appearing for the Respondent Nos.1, 2, 3, 4 and 7 on instructions state that the

Tahsildar has on 09/12/2025 i.e. post issuance of the impugned notice; issued letter to the Sub-Divisional Officer, Pune thereby informing him that, although the notice was issued by the Respondent No.3 on 11/11/2025, however, the order under Section 52 of the Waqf Act, 1995 was not passed by the District Collector, Pune and hence, the notice dated 11/11/2025 cannot be effected till the orders are passed by the District Collector, Pune under Section 52 of the Waqf Act, 1995. The letter dated 09/12/2025 is taken on record.

3. In light of the letter dated 09/12/2025 nothing survives for further consideration in the present Writ Petition. The Writ Petition is accordingly disposed of. It is made clear that, we have not expressed any opinion on the merits of the matter and that the remedy of the Petitioners to adopt appropriate proceedings after the order is passed by the Respondent No.1 is expressly kept open.

4. Accordingly, the Writ Petition is disposed of.

5. There shall be no order as to costs.
6. All concerned parties to act on an authenticated copy of this Order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)