

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 18892 OF 2024

Yakub Baig Trust Panvel Erstwhile
Mominpada Masjid Yakub Baig Trust,
through Chief and Anr. ...Petitioners

Versus

The Assistant Charity Commissioner Alibag
and Anr. ...Respondents

WITH

INTERIM APPLICATION NO. 4123 OF 2025

IN

WRIT PETITION NO. 18892 OF 2024

Abdul Aziz s/o. Mohammad Usman Baig
and Anr. ...Applicants

IN THE MATTER BETWEEN

Yakub Baig Trust Panvel Erstwhile
Mominpada Masjid Yakub Baig Trust,
through Chief and Anr. ...Petitioners

Versus

The Assistant Charity Commissioner Alibag
and Anr. ...Respondents

WITH

INTERIM APPLICATION NO. 3665 OF 2025

IN

WRIT PETITION NO. 18892 OF 2024

Imtiyaz Ismail Baig and Anr. ...Applicant

IN THE MATTER BETWEEN

Yakub Baig Trust Panvel Erstwhile
Mominpada Masjid Yakub Baig Trust,
through Chief and Anr. ...Petitioners

Versus

The Assistant Charity Commissioner Alibag
and Anr. ...Respondents

WITH

INTERIM APPLICATION NO. 2036 OF 2025

IN

WRIT PETITION NO. 18892 OF 2024

Mansoor Mustafa Baig ..Applicant

IN THE MATTER BETWEEN

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Yakub Baig Trust Panvel Erstwhile
Mominpada Masjid Yakub Baig Trust,
through Chief and Anr.

...Petitioners

Versus

The Assistant Charity Commissioner Alibag
and Anr.

...Respondents

Mr. Rajiv Patil, Senior Advocate, a/w Sachin Punde, for the
Petitioners.

Mr. Zameer Shaikh, a/w Kishor Pawar, for Respondent No.2.

Ms. Leena Patil, for the Intervener in IA/3665/2025.

Mr. Hamid Mulla, AGP for the State.

CORAM: N. J. JAMADAR, J.

DATED: 3rd NOVEMBER, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 11th December, 2024 passed by the learned Principal District Judge, Raigad – Alibag, on applications Exhibits-6 and 20, whereunder the petitioners herein had sought a prayer to allow the trustees to continue with their office of trust till the decision of Civil Misc. Application No.108/2024 filed for appointment of new trustees for the period of five years from 4th May, 2024.
3. The respondents, in turn, had filed an application to vacate the interim order passed on 4th May, 2024.

4. By the impugned order, the learned District Judge has appointed the Assistant Charity Commissioner to look after the management of the trust namely Yakub Baig Trust, Panvel, till the decision on an application under Section 40 of the Waqf Act, 1995, then pending before the Maharashtra State Board of Waqf.

5. When the matter was listed before this Court on 18th December, 2024, this Court was persuaded to grant ad-interim relief in terms of prayer clauses (c) and (d), subject to following conditions:

(a) The Petitioners should not deal with the Trust property in any manner.

(b) The Petitioners can only operate the Bank Account for the purpose of incurring day to day expenses of the Masjid and other Trust properties.

(c) They are directed to maintain the Accounts and submit it to the Office of the Assistant Charity Commissioner within fifteen (15) days.

(d) No major policy decision will be taken without permission of this Court.

6. In the meanwhile, the Chief Executive Officer, Waqf Board, has passed an order thereby declaring Yakub Baig Trust as a Waqf institution.

7. The learned Counsel for the applicant in Interim Application No.3665/2025, submits that in view of the

aforesaid order passed by the Chief Executive Officer, Waqf Board, the petition itself has been rendered infructuous.

8. As against this, Mr. Patil, the learned Senior Advocate for the petitioners, submits that the order dated 30th January, 2025 has been assailed before the Waqf Board. As the Tribunal has not decided the application for stay to the order passed by the Chief Executive Officer, Waqf Tribunal, and has entertained the applications for intervention of third parties, the petitioners have preferred another writ petition before this Court.

9. Since the main application for appointment of the trustees for a further term of five years awaits adjudication before the learned Principal District Judge, Raigad-Alibag as *a persona designata*, it would be expedient in the interest of justice that the said application itself is decided as expeditiously as possible and, in the meanwhile, the ad-interim order passed by this Court is continued.

10. So far as the order passed by the CEO Waqf Board, declaring the trust as the Waqf institution, the consequences in law will follow. It is further necessary to clarify that the parties would be at liberty to raise the ground that

consequent to the declaration of trust as a Waqf institution, Civil Misc. Application No.108 of 2024 is not maintainable.

11. The petition, thus, stands disposed.

12. The ad-interim order passed by this Court shall continue to operate as an interim order till the hearing and final disposal of Civil Misc. Application No.108 of 2024.

13. The learned Principal District Judge is requested to make an endeavour to hear and decide Civil Misc. Application No.108 of 2024 as expeditiously as possible and, preferably, within a period of three months from the date scheduled for the appearance of the parties.

14. The parties shall appear before the learned Principal District Judge, Raigad-Alibag, on 10th November, 2025.

15. All contentions of all the parties are kept open for consideration before the learned Principal District Judge and the Waqf Tribunal.

16. In view of the disposal of the petition, IA/4123/2025, IA/3665/2025 and IA/2036/2025 also stand disposed.

[N. J. JAMADAR, J.]