

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12043 OF 2025
IN
WRIT PETITION NO.13522 OF 2023

The Maharashtra State Board of Waqfs through its Chief Executive Officer	Applicant
versus	
Feroz Kassamali Bhanwadia and others	Respondents

AND
INTERIM APPLICATION (L) NO.30858 OF 2025
IN
WRIT PETITION NO.1124 OF 2024

The Maharashtra State Board of Waqfs through its Chief Executive Officer	Applicant
versus	
Shakir M.Ebrahim	Respondent

AND
INTERIM APPLICATION (L) NO.30859 OF 2025
IN
WRIT PETITION NO.3359 OF 2023

The Maharashtra State Board of Waqfs through its Chief Executive Officer	Applicant
versus	
Shahid Sadiq Kantharia	Respondent

INTERIM APPLICATION (L) NO.30862 OF 2025
IN
WRIT PETITION NO.1412 OF 2024

The Maharashtra State Board of Waqfs through its Chief Executive Officer	Applicant
versus	
Nasruddin Kasamali Jagmagia and others	Respondents

AND
INTERIM APPLICATION (L) NO.30865 OF 2025
IN
WRIT PETITION NO.853 OF 2024

The Maharashtra State Board of Waqfs through
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its Chief Executive Officer
versus
Feroz Kassamali Bhanwadia

Applicant

Respondent

AND
INTERIM APPLICATION (L) NO.30875 OF 2025
IN
WRIT PETITION NO.1069 OF 2024

The Maharashtra State Board of Waqfs through
its Chief Executive Officer
versus
Shamim E.Botawala

Applicant

Respondent

AND
WRIT PETITION (L) NO.30861 OF 2025
IN
WRIT PETITION NO.955 OF 2024

The Maharashtra State Board of Waqfs through
its Chief Executive Officer
versus
Feroz Kassamali Bhanwadia

Applicant

Respondent

Mr.Abdul Hafeez Takub Kotwala for Applicants.

Mr.Sagheer A.Khan with Afsha Khan, Aqil Skhan, Dawood Khan i/by Judicare
Law Associates for Respondent.

Mr.Ketan Joshi, 'B' panel advocate for State in IA.12043/2025.

Ms.Gauri Sawant, AGP in IA(L).30858/2025.

Mr.Himanshu Takle, AGP, in IA(L).30859/2025

Ms.Prachi Tatke, AGP in IA(L).30862/2025.

Mr.Suraj Gupte, AGP in IA(L).30865/2025.

Mr.Suraj Gupte, AGP in IA(L).30875/2025.

Mr.Manish Upadhye, AGP in IA(L).30861/2025.

**CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.**

DATE: 26th September 2025

P.C.

1. Heard learned counsel for the parties. This batch of interim applications raises issues similar to the issues which had earlier fell for consideration of the Court in the Writ Petition No.3028 of 2023 (Shakir M.Ebrahim Vs. State of Maharashtra and others) in which the Maharashtra State Board of Wakfs-Respondent no.3 had filed Interim Application (L) No.30267 of 2025 which was decided by this Court by an order dated 25th September 2025 in the following terms :

“1. This is an interim application filed by original respondent no.3 namely Maharashtra State Board of Waqfs. Writ Petition No.3028 of 2023 was filed by the original petitioner Mr. Shakir M. Ebrahim against the State of Maharashtra, the Charity Commissioner and Waqfs, which came to be disposed of by an order dated 03 April 2025 passed by a co-ordinate Bench of this Court. The operative part of the said order is required to be noted which reads thus:-

“

ORDER

(i) Waqf Application (L) No. 190 of 2023 filed u/s. 7 of the Waqf Act, 1995, by the Petitioner along with delay condonation application, be taken up and decided as expeditiously as possible and in any event within a period of three months from today. All contentions of the parties in that regard are expressly kept open.

(ii) As the Petitioner was filing the accounts with the Charity Commissioner, without prejudice to the rights and contentions of the parties, the Petitioner is permitted to file the accounts with the Charity Commissioner for the current Financial Year 2024-2025. The Petitioner is permitted to file its audited accounts through e-filing as also as a matter of abundant precaution also manually.

(iii) All contentions of the parties are expressly kept open.

4. The Petition is accordingly disposed off in the aforesaid terms.”

2. Learned counsel for the parties would submit that part of the adjudication of the proceedings, namely, the delay condonation application has taken place, which was disposed of by an order dated 01 August 2025 passed by the Maharashtra State Waqf Tribunal. The said order is stated to be a detailed order of about 70 pages, which is

subject matter of challenge by the applicant before the Aurangabad Bench of this Court in a batch of civil revision applications which was listed before the learned Single Judge on 11 September 2025 on which the following order is passed:-

“ORDER :-

. Mr. Rajendrraa Deshmukkh, learned Senior Counsel instructed by N. E. Deshmukh & Saga Legal (Ishwar Ahuja) at the outset mentioned that looking to the complexity to the matter and the orders passed by the learned Tribunal, which are under challenge, the petitioners would approach the learned Division Bench of this Court at Bombay for filing appropriate proceeding to seek appropriate orders or directions.

2. In view of this, Mr. Rajendrraa Deshmukkh, learned Senior Counsel submits that for now, the petitioners do not press the Civil Revision Applications and those may be simply adjourned.

3. In view of above, remove from the board.”

3. It also needs to be observed that as the Division Bench of this Court had initially granted three months time to Maharashtra State Waqf Tribunal, Aurangabad to dispose of the proceedings by its order dated 03 April 2025 (supra). The Tribunal however, had addressed a letter dated 27 June 2025 to the Registrar of this Court praying for extension of time. On such communication of the Presiding Officer of the Tribunal, a co-ordinate Bench of this Court passed an order dated 11 August 2025 further extending time by two months from the date of the said order. Such period would now expire on 10 October 2025. The order dated 11 August 2025 passed by the coordinate Bench is required to be noted which reads thus:-

“1. Vide order dated 3rd April 2025, we have disposed of the aforesaid Writ Petitions. Certain directions were given to the Maharashtra State Waqf Tribunal at Aurangabad vide the said order.

2. Today, the Registry of this Court has received a letter dated 27th June 2025 from the Maharashtra State Waqf Tribunal at Aurangabad seeking extension of time by three months to comply with the order dated 3rd April 2025.

3. Since the condonation of delay Application has been disposed of, what is left to be decided is the Application under Section 7 of the Waqf Act, 1995.

4. Considering the aforesaid, we deem it appropriate to extend the time by two months from today.

5. Stand over to 6th October 2025.”

4. It is in the aforesaid circumstances, the present application is filed by the applicant (original respondent no.3) praying for the following reliefs:-

“a) That the time period as directed in the Order dated 11/08/2025 r/w. Order dated 03/04/2025, passed in the batch of matters lead matter being Writ Petition No. 3028 of 2023 be relaxed.

b) Alternatively, this Hon’ble Court be pleased to clarify that the time for disposal of proceedings before the Waqf Tribunal in the time frame as directed by this Hon’ble Court does not affect (a) the right of the parties to challenge the orders passed by the Waqf Tribunal or (b) the right of a Court of competent Jurisdiction to either grant a stay or interfere with any directions issued by the Waqf Tribunal including but not limited to the decision of condonation of delay.”

5. Mr. Kamat, learned counsel for the applicant, has submitted that the position is quite peculiar in as much as the time to dispose of the main proceedings would now expire on 10 October 2025 and hence, has prayed for further extension of time. It is also his submission that prayer clause (b) is also significant, in as much as, now there are independent proceedings which are pending before the learned Single Judge of Aurangabad Bench assailing orders passed by the Maharashtra State Waqf Tribunal on the delay condonation application. It is his submission that such proceedings need to independently proceed.

6. Mr. Khan, learned counsel for the respondents supports the submission of Mr. Kamat and would fairly state that the original petitioner would not be averse for grant of a further reasonable time to the Maharashtra State Waqf Tribunal to adjudicate the main proceedings. He would also not dispute that the proceedings arising out of the order dated 01 August 2025 passed by the Maharashtra State Waqf Tribunal on the delay condonation application, as challenged before the Aurangabad Bench are pending.

7. Mr. Khan has fairly stated that the original petitioner does not intend to lead any evidence on the main proceedings now pending before the Maharashtra State Waqf Tribunal as the original petitioner only intends to refer to the record of the applicant-Maharashtra State Board of Waqfs in adjudication of the main proceedings which are pending before the Maharashtra State Waqf Tribunal.

8. Considering such submission as made on behalf of the parties, in our opinion, further reasonable time can be granted to the Maharashtra State Waqf Tribunal to adjudicate the main proceedings.

The proceedings are scheduled to be listed tomorrow for filing reply as stated on behalf of the original petitioner.

9. In the aforesaid circumstances, we are of the opinion that it would be in the interest of justice that the following order is passed in disposing of the present interim application:-

ORDER

i. In continuation of the order dated 11 August 2025 passed by the co-ordinate Bench of this Court, we grant a further extension of time upto 15 December 2025 to enable the Maharashtra State Waqf Tribunal to decide the pending proceedings as directed by this Court in the order dated 03 April 2025 read with the order dated 11 August 2025.

ii. Insofar as prayer clause (b) is concerned, we may observe that a challenge to the substantive orders passed by the Maharashtra State Waqf Tribunal in granting the application for condonation of delay is mounted in Civil Revision Applications which are pending before the learned Single Judge at the Aurangabad Bench of this Court. All contentions of the parties in the such proceedings and in assailing/defending such orders are expressly kept open.

iii. Being substantive proceedings, it is clarified that the learned Single Judge certainly would decide the said proceedings on its own merits and without being influenced by the orders which are passed on the present writ petition and subsequent applications praying for extension of time for adjudication of the proceedings before the Maharashtra State Waqf Tribunal.

iv. The proceedings are accordingly disposed of in the aforesaid terms. No costs.

v. Interim application would not survive. It is accordingly disposed of.”

2. Learned counsel for the parties are at ad idem that the present batch of interim applications can also be conveniently disposed of in terms of the said order passed by this Court. Considering such consensus, we dispose of these Interim Applications in terms of the order dated 25th September 2025 passed on Interim

Application in Writ Petition No.3028 of 2023 (Maharashtra State Board of Waqfs
Vs. The State of Maharashtra) (supra).

3. Disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)