IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 WRIT PETITION NO. 15749 OF 2023

Raisuddin Azammoinuddin Siddiqui Alias Hatib
VERSUS
The State Of Maharashtra Through Collector And Others

.....

WITH

WRIT PETITION NO. 11416 OF 2024

Shaikh Ismail Shaikh Mohammad Died Thr Lrs Shaikh Fatte Mohammad Ismail And Others
VERSUS

The State of Maharashtra Through Its Principal Secretary And Others

.....

Ms. Sawari M. Patil h/r Mr. Milind M. (beedkar), Advocate for the Petitioner in WP No.15749/2023
Smt. Ashlesha Deshmukh, AGP for the Respondents - State
Mr. P. S. Dighe h/f Mr. V. R. Dhorde, Advocate for the Petitioner in WP No.11416/2024
Mr. Thombre Chandrakant V., Advocate for Respondent No.8 in WP No.11416/2024

....

WITH

CIVIL APPLICATION NO. 12058 OF 2026
IN WP/11416/2024

Mohammed Rahimuddin Siddiqui And Others
VERSUS

The State Of Maharashtra Thr Secretary And Others

.....

Ms. Jyoti Sadawarte, Advocate for Applicant
Ms. Sawari M. Patil h/r Mr. Milind M. (beedkar), Advocate for the Petitioner in WP No.15749/2023
Mr. P. S. Dighe h/f Mr. V. R. Dhorde, Advocate for the Petitioner in WP No.11416/2024
Mr. Thombre Chandrakant V., Advocate for Respondent No.8 in WP No.11416/2024

WITH

CIVIL APPLICATION NO. 324 OF 2026
IN WP/15749/2023

Raisuddin Azammoinuddin Siddiqui Khatib Died Thr Lrs Mohd. Basheer Uddin Siddiqui

VERSUS

The State Of Maharashtra And Others

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Ms. Sawari M. Patil h/r Mr. Milind M. (beedkar), Advocate for the Applicant

Smt. Ashlesha Deshmukh, AGP for the Respondents – State

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 27.10.2026

PER COURT :

[I] <u>ORDER IN CIVIL APPLICATION NO.12058/2026</u> :

1. The learned Advocate appearing for the Applicants submits that, she has instructions not to press the present application. Therefore, the application stands dismissed as withdrawn.

[II] <u>ORDER IN CIVIL APPLICATION NO.324/2026</u> :

1. Heard the learned Advocate for the Applicants.

2. The present Application is filed for bringing on record the legal heirs of the original Petitioner, Raisuddin, who has since expired.

3. The learned Advocate for the Applicant submits that the deceased Petitioner left behind seven legal heirs. Out of them,

one legal heir, namely Mohd. Basheer Uddin Siddiqui s/o Raisuddin Siddiqui, resides at Hyderabad and has preferred the present Application. It is further submitted that the other six legal heirs, namely, Mohd. Farooq Uddin Siddiqui, Mohd. Zahoor Uddin Siddiqui, Atiya Kauser Mir Kader Ali Khan, Fouzia Anwar Imran Khazmi, Ayesha Siddiqui, and Ruquiya Siddiqui, are not available to prefer this civil application, as Respondent Nos.20 and 21, namely, Mohd. Farooq Uddin Siddiqui and Mohd. Zahoor Uddin Siddiqui are presently residing in *Saudia Arabia* and their precise address of the said legal heirs in *Saudi Arabia* is not known to the Applicant. Respondent Nos.22 to 25, being married daughters of the Petitioner, are not residing with present Applicant. The Applicant has, therefore, impleaded the said legal heirs as proposed Respondent Nos.20 to 25 in the present Application and seeks leave of this Court to allow the Application in terms of Prayer Clauses - C and D.

4. The learned Advocate for the Applicant submits that, as Respondent Nos. 20 to 25 are not available, they may be shown as party Respondents and Mohd. Basheer Uddin Siddiqui s/o Raisuddin Siddiqui may be brought on record as the legal representative of the deceased Petitioner to prosecute the present petition.

5. The prayer made by the learned Advocate for the Applicant cannot be granted for the simple reason that

Respondent Nos. 20 to 25 are required to be brought on record as the legal heirs of the deceased Petitioner. A person cannot simultaneously be shown as a Respondent and omitted from the array of legal heirs merely because his or her whereabouts are presently not known.

6. At this stage, the learned Advocate for the Applicant seeks leave to carry out an amendment to the Application by incorporating the steps and efforts taken by the Applicant to contact the aforesaid legal heirs, i.e. proposed Respondent Nos. 20 to 25, and to inform them about the pendency of the petition and the necessity of their being brought on record as parties thereto. The necessary amendment shall also be carried out in the prayer clauses.

7. At the request of the learned Advocate for the Applicant, list the matter on **3rd December, 2026.**

8. Leave, as prayed for, is granted. The amendment shall be carried out on or before the next date, with an advance copy to the other side.

9. Interim relief, if any, shall continue till the next date.

[III] <u>ORDER IN WRIT PETITION NO.11416/2024</u> :

1. The learned Advocate for the Petitioner submits that Respondent Nos. 7-D, 7-F and 7-G have not been served, as they are not available at the addresses provided in the cause title of

the petition. In the event the notices cannot be served, the learned Advocate for the Petitioner shall take alternative steps for effecting service upon the Respondent Nos.7-B to 7-G by issuing a public notice in leading national newspapers. The aforesaid steps shall be taken within a period of four weeks from today. An affidavit of service to that effect, along with a copy of the notice published in the national newspapers, shall be filed in this Court on or before the next date of hearing.

6. Mr. Milind Patil, learned Advocate, waives service of notice on behalf of Respondent No. 7A.

7. List the matter on **3rd December, 2026.**

(HITEN S. VENEGAVKAR, J.)

Sameer/Oct-2026