

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.38778 OF 2025
IN
WRIT PETITION NO.11040 OF 2022

Mulla Ismail Wakf .. Applicant
 Versus
 Krushna Lahu Mhatre & Ors. .. Respondents
 ...

Ms.Afsha Khan i/b Judicare Law Associates for the
 Applicant/Intervenor.

Mr.Suresh Kamble i/b Bhavesh M. for the Petitioners.

Mr. N.C. Walimbe, Addl. GP a/w Ms.A.A. Purav, AGP for the
 State.

CORAM: BHARATI DANGRE &
R.N. LADDHA, JJ.
DATED : 5th JANUARY, 2026

P.C:-

1 The Writ Petition which involves the property bearing Survey No. 747, Hissa No.2C is claimed by the Petitioners in the wake of their interest as protected tenants with a claim that they are in possession and cultivation of the land prior to the tillers day i.e. 01/04/1957, and their claim is of deemed purchasers.

Since the said property was attempted to be subjected to the provisions of Wakf Act, 1996, and that too with retrospective effect, the present Writ Petition is filed, seeking deletion of the entry of the lands from Wakf and for grant of certificate in respect of the same.

2 The present Interim Application is filed by the Applicant which is a Wakf institution through its Sole Mutawalli/Trustee, for impleadment in the proceedings, in the wake of the claim that there is a *intersay* dispute between the Applicant and the Petitioners in the Petition, who had filed tenancy case before the Agricultural Land Tribunal and obtained 32M Certificate from the concerned Authority and also procured an order passed under Section 32G, which is subject matter of the two Writ Petitions filed by the Applicant.

Similarly there is also a reference to a Suit bearing No.74/2015 instituted by the Applicants against the Petitioners seeking injunction with a specific claim being staked that the Applicant had been in possession of the Wakf property, in the wake of the status-quo order passed in the said proceedings and the Application is moved seeking its impleadment in the present pending proceedings.

3 On hearing the learned counsel for the Applicant as well as the learned counsel representing the Petitioners, we have perused the Application.

From its perusal it is evidently clear that the Applicant stake interest in the property, which is subject matter of the present proceedings and for effective adjudication of the dispute persisting between the Parties, it would be appropriate to allow impleadment of the public trust i.e. Mulla Ismail Wakf, as ultimately the decision in the present Writ Petition would impact the interest of the Applicant.

4 As a result, Interim Application is made absolute in terms of prayer clause (a).

In the wake of the application being allowed, let necessary amendment be carried out within a period of two weeks from today.

The learned counsel for the Applicant waive notice on behalf of newly added Respondents.

Needless to state that upon impleadment, the newly added Respondent is at liberty to file Affidavit in Reply.

List on 27/01/2026.

(R.N. LADDHA,J.)

(BHARATI DANGRE, J.)