

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2017 OF 2026
IN
WRIT PETITION NO. 12352 OF 2018

Aslam Maqbool Junaidi & Anr. ...Applicants
Versus
The Chief Executive Officer, Maharashtra
State Board of Wakf Aurangabad & Ors. ...Respondents

Mr. Hanif Shaikh for the Applicants.

Mr. Prathmesh Kamat a/w Mr. Ishwar Ahuja, Ms. Nikita Lad & Mr.
Kayush Zaiwalla for the Respondent No.1.

Mr. Anurag Mishra i/b Mr. Suraj Naik for the Respondent No.3.

CORAM : SARANG V. KOTWAL &
SANDESH D. PATIL, JJ.
DATE : 28th APRIL, 2026

P.C. :

1. Heard learned Counsel Mr. Hanif Shaikh for the
Applicants, Mr. Prathmesh Kamat for the Respondent No.1 and Mr.
Anurag Mishra for the Respondent No.3.

2. This is an application for restoration of Cri.WP/12352/2018. The said petition was disposed vide order dated 25th September, 2025, which reads thus :

“1. Learned Counsel for the Petitioners submitted that he is fighting for the cause of the community in the area where the Petitioners are residing. Therefore, he seeks permission to withdraw this petition and to file an appropriate Public Interest Litigation in the subject matter.

2. Considering this request, the petition is allowed to be withdrawn. It is needless to add that, if the PIL is maintainable,, he will have to make certain submissions in that behalf in the PIL.

3. With these observation, the petition is allowed to be withdrawn with such liberty and it is disposed of.

4. With disposal of the writ petition, the interim application is also disposed of.”

2. Subsequently, the petitioners have filed Public Interest Litigation No. 121 of 2025. The said PIL was dismissed by the Division Bench headed by the Hon’ble the Chief Justice vide order dated 25th November, 2025.

3. After that the present application was filed for restoration of the withdrawn petition. As rightly submitted by the learned Counsel for the respondents, once the petition is withdrawn, it cannot be restored.

4. We are in agreement with the submissions made by the learned Counsel for the respondents.

5. In this situation, the withdrawn petition cannot be restored. The petitioners are at liberty to take appropriate remedy in accordance with law.

6. With these observations, the application is disposed of.

SANDESH D. PATIL, J.

SARANG V. KOTWAL, J.