

MHRG010005022024



Civil. M. A. No. 108/2024

Yakub Baig Trust Panvel

Thr. Chief Trustee Muzaffar Mustafa Baig

Vs.

The Assistant Charity Commissioner.

:: Order below Exh. 152 ::

1. Heard Ld. Adv. Kosamkar for Objectors. Adv. Shri. S. N. Joshi for applicant – Yakub Baig Trust Panvel.
2. This is application taken out by objectors 1) Imtiyaz Ismail Baig and 2) Moazzam Salim Baig for return of Civil M.A. No.108/2024 to the applicant Yakub Baig Trust Panvel to file it in a proper Court.
3. Ld. Adv. Kosamkar drawing my attention to para 10 of the order dated 03/11/2025 passed by Hon'ble High Court in Writ Petition No.18892/2024 submitted that the Chief Executive Officer Waqf Board declared the trust as waqf Institution and therefore the present Civil M.A. 108/2024 is not maintainable before this Court and hence, be returned to the applicant.
4. Adv. S. N. Joshi filed say on 21/02/2026 vide Exh.165 to the application at Exh.152 and submitted that the applicant Yakub Baig Trust Panvel has already filed an Appeal before Waqf Tribunal being Waqf Appeal No.25/2025, against the order dated 30/01/2025 passed in file No.5(2) and 40/187/2022 and resolution No. 22 dated 14/01/2025. In the

said appeal the Hon'ble waqf tribunal had stayed the said order of waqf board and has categorically stated that order of the board dated 30/01/2025 will have no effect on the present application. He further submitted that the Bombay High Court has itself directed to hear the present application and appoint the Trustees, subject to the final verdict of Waqf Tribunal by order dated 03/11/2025 passed in Writ Petition No.18892/2024 and submitted that requests of the objectors cannot be accepted and Civil M. A. No.108/2024 cannot be returned.

5. In view of the order of Bombay High Court in Writ Petition No.18892/2024 passed on 03/11/2025 a public notice was given in the newspaper in the Krushival on 05/12/2025. Objectors have filed an application on 08/12/2025 in respect of the public notice dated 05/12/2025 by submitting the say in envelope on 08/12/2025. The sealed envelopes received from candidates interested to be appointed as trustees as per public notice dated 05/12/2025 and corrigendum published on 22/01/2026, were open before the Court on 10/02/2026 in presence of the candidates, interested to be appointed as trustees and parties to Civil M.A. No.108/2024. Ld. Adv. Shri. S. N. Joshi was directed to file the say to this application by 17/02/2026. Adv. Shri. S. N. Joshi has filed say on Exh.165 on 21/02/2026.

6. Perused the application at Exh.152 and say at Exh.165 and the order of the Hon'ble High Court dated 03/11/2025 in Writ Petition No.18892/2024. The Hon'ble High Court in para 10 of its order observed as under.

“ So far as the order passed by the CEO of 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 Miss. Application No.108/2024 is not maintainable. ”

7. The Hon'ble High Court in its order dated 03/11/2025 has made reference to the order passed by Chief Executive Officer of Waqf Board, declaring Yakub Baig Trust as a Waqf Institution. The said order is under challenge in Waqf Appeal No.25/2025 filed by Yakub Baig Trust Panvel before the Hon'ble Waqf Tribunal and it has stayed the order of the Waqf Board dated 30/01/2025 and categorically stated that the order of the Waqf Board will have no effect on the present application. In view of the above said position, the application at Exh.152 of two objectors mentioned above, needs to be rejected in toto. Hence, I pass the following order.

ORDER

- 1) Application at Exh.152 is rejected.
- 2) No order as to costs.

Sd/-

Alibag.
Date :- 24.02.2026

(R. D. Sawant)
Principal District Judge,
Raigad-Alibag.