

MHRG010005022024



Civil Misc. Application No. 108/2024

Yakub Baig Trust, Panvel

V/s

Asstt. Charity Commissioner, Alibag, Raigad.

:: ORDER BELOW EXH. 1 ::

01. Ld. Adv. Shri. S. N. Joshi for Applicant, Ld. Ad. Shri. Kishor Pawar for objector/Respondent no. 2 Mansoor Baig and DGP Shri. Pawar for Respondent no. 1, are present.

02. In view of the order dt. 03.11.2025 of the Hon'ble High Court, in Writ Petition No. 18892 of 2024, the present Civil Misc. Appl. No. 108/2024 is taken up for hearing, expeditiously. Both parties are present as per the order of the Hon'ble High Court.

03. This application is for appointment of new trustees being the member of board of trustees as per the scheme of the Trust, for the further period of five years and for issuing a public notice in the local newspaper for appointment of trustees.

04. Ld. Adv. Shri. S. N. Joshi for applicant submits that, Applicant is Yakub Baig Trust, Panvel. The said trust is registered under Bombay Public Trust Act. He pointed out that the scheme is formulated on 23.02.1953 by then District Judge, Kulaba now Raigad as per the directions in Civil Suit No. 08/1952 in view of the judgment and order dt. 10.11.1952.

05. As per the scheme of the Trust, the District Judge is empowered to appoint the board of trustees for proper administration of the said trust. Accordingly, the trustees were appointed every five years by this court. *Ld. Adv. S. N. Joshi* submits that, the last term of the trustees expired on 04.05.2024. Therefore as per the scheme it is necessary to appoint the board of new trustees. The qualifications and disqualifications of the trustees are prescribed in clause 4 of the scheme. Clause three provides that, the Trust estate shall vest in and shall be administered by a Board consisting of five trustees. They shall be chosen by District Judge. Out of Five Trustees, three shall be from the family of settlor Yakub Baig. Those three trustees shall be chosen from each of the branches of the settlor's three sons viz Ahmed Baig, Usman Baig and Yusuf Baig. But, if at any time a fit and proper representative from any one of the branches of the settlor's family is not available, any person belonging to the "Sunni Hanafi Muslim Jamat" shall be appointed in his place for the time being. The remaining two trustees shall be chosen from among persons belonging to "Sunni Hanafi Muslim Jamat" and they shall be persons who have no connection with the members of the family of the settlor. All the five trustees shall hold their office for five years. They will however be eligible for re-election.

06. The scheme also provides that, the trustee to be appointed must be a permanent resident of Panvel township meaning within the limit of Panvel Municipal District and he must be one who has belief in the teaching of Allaha and Aвалиya.

07. Perusal of the order of the Hon'ble High Court shows that, Chief Executive Officer Waqf Board has passed order declaring Yakub Baig Trust as a Waqf Institution and the said order is challenged before the Waqf Tribunal. In view of the same, the consequences in law will follow.

08. In view of the scheme of the trust and the order of the Hon'ble High Court, I hereby direct the applicant to publish public notice in local newspaper name Krushival which has wide circulation in Panvel mentioning the qualifications and disqualifications of trustees and the applications be called within **30 days** from the persons who are qualified to apply for appointment as trustee as per clause 3 and 4 of the scheme. Clause 3 and 4 of the scheme shall be specifically reproduced in the public notice. It be also made clear in the public notice that, the term of trustees shall be for maximum five years and shall be subject to the decision of the Waqf Tribunal and the consequences in law as per the order of the Waqf Tribunal will follow.

09. Draft Public Notice as per the above said directions be submitted by the Ld. Adv. for applicant for approval before this court. Ld. Adv. for Respondents may also go through the draft that may be furnished by the ld. Adv. for applicant and give suggestions if any, before 03.12.2025 as the public notice will be sent for publication in local newspaper on 04.12.2025.

Alibag.
Date :- 01.12.2025

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

CERTIFICATE

I affirm that, the contents of this P.D.F file order are same, word to word, as per the original order.

Name of Stenographer : Smt. S. S. Puro (Grade- I)

Court : Principal District Judge,
Raigad-Alibag.

Date of Order/Judgment : 01.12.2025.

Order/judgment signed by
the Presiding Officer on : 01.12.2025.

Order/judgment uploaded on : 01.12.2025.