

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 581 of 2022**

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SOMABHAI MANDANBHAI BHARWAD SINCE DECD. THROUGH L H
Versus
WAQF BOARD STATE OF GUJARAT

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Appearance:

MR TATTVAM K PATEL(5455) for the Applicant(s) No. 1,1.1,1.2
for the Opponent(s) No.

1,2,3,4,6,6.1,6.1.1,6.1.2,6.1.3,6.1.4,6.1.5,6.1.5.1,6.1.5.2,6.1.6,6.1.7,6.2,6.2.1,
6.2.2,6.2.3,6.2.4,6.2.4.1,6.2.4.2,6.2.4.3,6.2.4.4,6.2.5,6.2.6,6.2.7,6.3,6.3.1,6.3.
1.1,6.3.1.2,6.3.1.3,6.3.1.4,6.3.1.5,6.3.2,6.3.2.1,6.3.2.2,6.3.2.3,6.3.2.4,6.3.2.5,
6.3.3

RIZVAN SHAIKH(7146) for the Opponent(s) No. 5

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CORAM:HONOURABLE MR. JUSTICE BHARGAV D. KARIA

Date : 11/01/2023
ORAL ORDER

1.Heard learned advocate Mr. Tattvam K. Patel
for the applicants and learned advocate Mr.
M.T.M.Hakim for respondent No.5, who appears
on caveat.

2.Learned advocate Mr. Patel for the petitioner
submitted that the respondent-Waqf Board was
party before the Gujarat Revenue Tribunal in
the Review Application Nos. 11 of 2017 and 12
of 2017 filed by the respondent No.5-Sarkhej

Roja Committee to review the judgement and order dated 23.03.2017 passed by the Gujarat Revenue Tribunal ('Tribunal' for short) whereby the order dated 29.01.2000 passed by the Mamlatdar in Ganot Case No. 51 of 1999 and order dated 04.01.2001 passed by the Deputy Collector in Ganot Appeal No. 102 of 2000 and Revision Application No. 39 of 2000 were challenged.

3.It was therefore submitted that the Waqf Board has committed an error in passing the impugned order quashing and setting aside the order passed by the Revenue Authorities under sub-section (3) of section 90 of the Waqf Act,1995.

4.On the other hand, learned advocate Mr. Hakim submitted that the review application was filed before the Tribunal only to point out that the order passed by the Tribunal is

without jurisdiction as the revision would lie before the Waqf Tribunal.

5.Considering the above submission, issue Notice returnable on 20.02.2023. Learned advocate Mr. Hakim waives service for respondent No.5. Direct service for rest of the respondents is permitted.

6.In the meanwhile, there shall be status quo with regard to properties in question to be maintained by both the sides till the next date of hearing.

7.Learned advocates for the respective parties are requested to file paper book, if required, before the next date of hearing.

(BHARGAV D. KARIA, J)

JYOTI V. JANI