

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE SIDE JURISDICTION  
WRIT PETITION NO. 12758 OF 2024

Akhatar Nizamuddin Sayyed & Ors. .... Petitioners

**Versus**

Anwar Ali Haji Mohd. Sharif Ansari & Ors. .... Respondents

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Mr. Deepan Dixit i/b Mr. Rakesh Rahate, for the Petitioners.  
Ms. Aloka A. Nadkarni, AGP, for the State - Respondent Nos. 16 and 18.  
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**CORAM : R. M. JOSHI, J.**

**DATE : 25<sup>th</sup> SEPTEMBER, 2024.**

**P.C. :**

1. Heard learned counsel for the Petitioners submits that the Joint Charity Commissioner while passing impugned order has travelled beyond the scope of the appeal. According to him, the only issue involved in the appeal was as to whether the order impugned before it passed under Section 50(a) (1) of the Maharashtra Public Trusts Act, 1950 was legal, proper, and valid. It is his submission that without any reason, observations are made in paragraph 4 of the impugned order and the Assistant Charity

Commissioner is directed to send the Record and Proceedings of the Trust to the WAQF Board, Aurangabad for proper administration by the competent authority under the WAQF Act, 1995.

2. *Prima-facie*, the Court finds arguable case being made out by the Petitioners to the effect that the Joint Charity Commissioner apparently seems to have transgressed its jurisdiction and has travelled beyond the scope of the appeal. Hence, there shall be stay to the impugned order till next date of hearing. Till to the extent of Clause No.4 of the operative part of order dated 19<sup>th</sup> July 2024.

3. Issue notice to the Respondent, returnable on 18<sup>th</sup> November 2024.

( R. M. JOSHI, J.)