



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13522 OF 2023

Feroz Kassamali Bhanwadia And Ors. ...Petitioners

Versus

The State Of Maharashtra

Thr. Department Of Revenue And Forest And Ors. ...Respondents

Mr. Sagheer A. Khan a/w Mr. Sharique Nachan, Mr. Daood, Ms. Afsha Khan,
Mr. Aquil S. Khan i/b. Judicare Law Associates, for the Petitioners.

Mr. Abdul Hafeez Yakub Kotwala, for the Respondent No.3.

**CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.**

DATE : 2 MAY 2025

P.C.:

1. This petition under Article 226 of the Constitution of India is filed praying for the following reliefs:-

“(a) This Hon'ble Court be pleased to direct the Respondent No. 1 and/or Respondent No. 2 to produce the proceeding of the survey conducted under Section 4 of the Waqf Act, 1995 relating to the Seth Mohammed Bhai Rawjee Trust Trust bearing PTR No. B-128 (Pune), on the basis of which the impugned entry is made.”

2. The learned counsel for the petitioner at the outset would submit that Waqf Application (L) No.402 of 2022 (**Exh. 'D'** at page 78) along with Delay Application No.17 of 2023 (**Exh. 'E'** at page 98) filed by the Sheth Mohammedbhai Rawjee Trust through its Trustees against the Maharashtra State Board of Waqfs are pending consideration before Waqf Tribunal under Section 7 of the Waqf Act, 1995. He has drawn our

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attention to the order dated 26 March 2025 passed by this Court in Writ Petition No.4129 of 2025 in 7 other orders passed in Writ Petition No.4129 of 2025, Writ Petition No.1069 of 2024, Writ Petition No.853 of 2024, Writ Petition No.1412 of 2024, Writ Petition No.3359 of 2023, Writ Petition No.3028 of 2023 dated 3 April 2025 passed by a Co-ordinate Bench of this Court (Smt. Justice Revati Mohite Dere & Dr. Neela Gokhale, JJ.).

3. These orders are identical which dispose of the petitions with a direction to the Waqf Tribunal to take up the pending Waqf application and decide the same in accordance with law.

4. In this view of the matter, as it appears that the present proceedings being similar to the said proceedings, we are of the opinion that this petition be disposed of in terms of the order passed on Writ Petition No.4129 of 2025 and for similar reasons as contained in the said order.

5. The learned counsel for the respondent has opposed this petition to contend that the same is not maintainable as the proceedings are pending.

Accordingly, we pass the following order:-

ORDER

- (i) Waqf Application (L) No. 402 of 2022 filed u/s. 7 of the Waqf Act, 1995, by the Petitioners along with delay condonation application, be taken up and decided as expeditiously as possible and in any event, within a period of



three months from today.

(ii) All contentions of the parties in that regard are expressly kept open.

(iii) As the petitioners were filing the accounts with the Charity Commissioner, without prejudice to the rights and contentions of the parties, the petitioners are permitted to file the accounts with the Charity Commissioner for the current Financial Year 2024-2025. The Petitioners are permitted to file its audited accounts through e-filing as also as a matter of abundant precaution also manually.

(iii) All contentions of the parties are expressly kept open.

4. The petition is accordingly disposed off in the aforesaid terms.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]