

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****CIVIL REVISION APPLICATION NO. 72 OF 2024**

Aliasgar Ramzan Dekhani being the  
Managing Trustee of Haji Mohammad  
Jawad Ispahani Imambara Trust & Ors.

.....**APPLICANTS**

**: VERSUS :**

Maharashtra State Board of Waqfs & Ors.

.....**RESPONDENTS**

**WITH**

**CIVIL REVISION APPLICATION NO. 252 OF 2023**

Haji Mohammad Jawad Ispahani Imambara  
Trust & Ors.

.....**APPLICANTS**

**: VERSUS :**

The Maharashtra State Board of Waqfs & Ors.

.....**RESPONDENTS**

**WITH**

**CIVIL REVISION APPLICATION NO. 178 OF 2023**

Haji Mohammad Jawad Ispahani Imambara  
Trust & Ors.

.....**APPLICANTS**

**: VERSUS :**

Maharashtra State Board of Waqfs & Ors.

.....**RESPONDENTS**

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**Mr. Sagheer Khan** a/w. Sanda Nachan i/b. Judicare Law Associates  
for the Applicants in CRA-252-2023 and CRA-178-2023 and for  
Respondent Nos.4 and 9 in CRA-72-2024.

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CORAM : SANDEEP V. MARNE, J.

DATED : 4 FEBRUARY, 2026.

P.C :

1) Motion is made for speaking to the minutes of the judgment dated 10 March 2025.

2) It is reported that in paragraphs-23 and 25 of the judgment, instead of quoting Sections 36 and 7 of the Wakf Act, 1995 (unamended), erroneously Rules 36 and 7 of the Maharashtra State Waqf Rules, 2022 are quoted.

3) Section 36, to be quoted, is reproduced as under :

**36. Registration.—**

(1) Every [waqf], whether created before or after the commencement of this Act, shall be registered at the office of the Board.

(2) Application for registration shall be made by the *mutawalli*: Provided that such applications may be [made by the waqf] or his descendants or a beneficiary of the [waqf] or any Muslim belonging to the sect to which the [waqf] belongs.

(3) An application for registration shall be made in such form and manner and at such place as the Board may by regulation provide and shall contain the following particulars:—

(a) a description of the [waqf] properties sufficient for the identification thereof;

(b) the gross annual income from such properties;

(c) the amount of land revenue, cesses, rates and taxes annually payable in respect of the [waqf] properties;

(d) an estimate of the expenses annually incurred in the realisation of the income of the [waqf] properties;

(e) the amount set apart under the [waqf] for—



- (i) the salary of the *mutawalli* and allowances to the individuals;
  - (ii) purely religious purposes;
  - (iii) charitable purposes; and
  - (iv) any other purposes;
- (f) any other particulars provided by the Board by regulations.

(4) Every such application shall be accompanied by a copy of the [waqf] deed or if no such deed has been executed or a copy thereof cannot be obtained, shall contain full particulars, as far as they are known to the applicant, of the origin, nature and objects of the [waqf].

(5) Every application made under sub-section (2) shall be signed and verified by the applicant in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908) for the signing and verification of pleadings.

(6) The Board may require the applicant to supply any further particulars or information that it may consider necessary.

(7) On receipt of an application for registration, the Board may, before the registration of the [waqf] make such inquiries as it thinks fit in respect of the genuineness and validity of the application and correctness of any particulars therein and when the application is made by any person other than the person administering the [waqf] property, the Board shall, before registering the [waqf], give notice of the application to the person administering the [waqf] property and shall hear him if he desires to be heard.

(8) In the case of [auqaf] created before the commencement of this Act, every application for registration shall be made, within three months from such commencement and in the case of [auqaf] created after such commencement, within three months from the date of the creation of the [waqf]:

Provided that where there is no Board at the time of creation of a [waqf], such application will be made within three months from the date of establishment of the Board.



4) Section 7, to be quoted, is reproduced as under :

**7. Power of Tribunal to determine disputes regarding [auqaf].—**

(1) If, after the commencement of this Act, [any question or dispute] arises, whether a particular property specified as [waqf] property in a list of [auqaf] is [waqf] property or not, or whether a [waqf] specified in such list is a Shia [waqf] or a Sunni [waqf], the Board or the *mutawalli* of the [waqf], [or any person aggrieved by the publication of the list of auqaf under section 5] therein, may apply to the Tribunal having jurisdiction in relation to such property, for the decision of the question and the decision of the Tribunal thereon shall be final:

Provided that—

(a) in the case of the list of [auqaf] relating to any part of the State and published after the commencement of this Act no such application shall be entertained after the expiry of one year from the date of publication of the list of [auqaf]; and

(b) in the case of the list of [auqaf] relating to any part of the State and published at any time within a period of one year immediately preceding the commencement of this Act, such an application may be entertained by Tribunal within the period of one year from such commencement:

Provided further that where any such question has been heard and finally decided by a civil court in a suit instituted before such commencement, the Tribunal shall not re-open such question.

(2) Except where the Tribunal has no jurisdiction by reason of the provisions of sub-section (5), no proceeding under this section in respect of any [waqf] shall be stayed by any court, tribunal or other authority by reason only of the pendency of any suit, application or appeal or other proceeding arising out of any such suit, application, appeal or other proceeding.

(3) The Chief Executive Officer shall not be made a party to any application under sub-section (1).

(4) The list of [auqaf] and where any such list is modified in pursuance of a decision of the Tribunal under sub-section (1), the list as so modified, shall be final.



(5) The Tribunal shall not have jurisdiction to determine any matter which is the subject-matter of any suit or proceeding instituted or commenced in a civil court under sub-section (1) of section 6, before the commencement of the Act or which is the subject-matter of any appeal from the decree passed before such commencement in any such suit or proceeding or of any application for revision or review arising out of such suit, proceeding or appeal, as the case may be.

[(6) The Tribunal shall have the powers of assessment of damages by unauthorised occupation of waqf property and to penalise such unauthorised occupants for their illegal occupation of the waqf property and to recover the damages as arrears of land revenue through the Collector:

Provided that whosoever, being a public servant, fails in his lawful duty to prevent or remove an encroachment, shall on conviction be punishable with fine which may extend to fifteen thousand rupees for each such offence.]

5) The judgment be corrected by quoting the above Section 36 in para-23 and Section 7 in para-25 of the judgment. The corrections be carried out in the judgment and the corrected judgment be uploaded.

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signed by  
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SAWANT  
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[SANDEEP V. MARNE, J.]