

ITEM NO.31

COURT NO.1

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petitions for Special Leave to Appeal (C) Nos.31288-31290/2011

(Arising out of impugned final judgment and order dated 21-09-2011 in WP No. 2906/2004, WP No. 899/2011 & WP No. 357/2011 passed by the High Court of Judicature at Bombay)

MAHARASHTRA STATE BOARD OF WAKFS

Petitioner(s)

VERSUS

SHAIKH YUSUF BHAI CHAWLA &amp; ORS.

Respondent(s)

([ONLY SLP(C) No. 12307 / 2013 IS LISTED UNDER THIS ITEM.] )

WITH

SLP(C) No.12307/2013 (IX)

Date : 18-07-2022 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE KRISHNA MURARI  
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)

Mr. K.K. Venugopal, AG  
Mr. Sudhanshu S. Choudhari, AOR  
Mr. Javed R. Shaikh, Adv.  
Mr. Kamran S., Adv.  
Mr. Mahesh P. Shinde, Adv.  
Ms. Rucha Pande, Adv.

For Respondent(s)

Ms. Ekta Bhasin, Adv.  
Mr. R. Sudhinder, Adv.  
Mr. Ashok Mathur, AOR

Mr. Ejaz Maqbool, AOR  
Mr. Saif Zia, Adv.

Mr. Harish N. Salve, Sr. Adv.  
Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Mohammed Himayatulla, Adv.  
Mr. Ankur Saigal, Adv.

Mr. Dheeraj Nair, Adv.  
Mr. Nizam Pasha, Adv.  
Ms. Vishrutyi Sahni, Adv.  
Ms. Shruti Dass, Adv.  
Mr. Yojit Singh, Adv.  
Ms. Devika Mohan, Adv.  
Ms. Kamakshi Sehgal, Adv.  
Mr. Victor Das, Adv.  
Mr. Anshuman Srivastava, Adv.  
Ms. Madhavi Agarwal, Adv.  
Anwasha Padhi, Adv.  
Mr. E. C. Agrawala, AOR

Mr. Kaushik Poddar, AOR

Mr. Rahut Chitnis, Adv.  
Mr. Sachin Patil, AOR  
Mr. Aaditya A. Pande, Adv.  
Mr. Geo Joseph, Adv.  
Ms. Shwetal Shepal, Adv.

Mr. T. Mahipal, AOR

Mr. Nirnimesh Dube, AOR

Mrs. Yugandhara Pawar Jha, AOR  
Mr. Lavanya, Adv.

Mr. Kunal Verma, AOR  
Mr. Ashwin Nair, Adv.

Mr. Praveen Kumar, AOR

Ms. Abha R. Sharma, AOR

UPON hearing the counsel the Court made the following  
O R D E R

1. As per the Cause List, only Special Leave Petition (Civil) No.12307 of 2013 (Item No.31.1.) is listed today as it was specifically mentioned.
2. We have heard Mr. K.K. Venugopal, learned Attorney General for India appearing for the petitioner, Mr. Harish N. Salve, learned Senior counsel appearing for the Respondent No.6 in Special Leave Petition (C) No.12307/2013, Mr. Mukul Rohagti, learned Senior

counsel appearing for the Respondent No.8 in Special Leave Petition (C) No.12530/2020 and other learned Advocates appearing for the parties at considerable length today.

3. During the course of hearing, we are informed by Mr. Mukul Rohagti that an identical matter viz. Special Leave Petition (C) No.12530/2020 is pending consideration before this Court but is not listed today. He requests that the said matter may also be listed and heard together along with the instant petitions.

4. The main contention raised in these group of Special Leave Petitions is that the High Court while passing the impugned judgment overlooked the difference between the trusts and wakfs and has thereby failed to take into consideration the fact that the Charity Commissioner would not ordinarily have any jurisdiction to manage the waqf properties. The Attorney General suggested that certain matters can be segregated on the basis of specific facts. In this regard, Mr. Harish Salve, learned Senior counsel sought some time to give a list of matters to the learned Attorney General for India. He is permitted to do so.

5 List the matter on 25<sup>th</sup> July, 2022 along with Special Leave Petition (Civil) 12530 of 2020.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)  
COURT MASTER (NSH)