महाराष्ट्र राज्य वक्फ मंडळ

MINUTES OF THE BOARD MEETING
HELD ON FRIDAY 26TH AUGUST 2005 AT ROOM NO. 309, MAJESTIC M.L.A. HOSTEL, CULABA, MUMBAI-39.

The meeting was conducted on 26-8-2005 under the chairmanship of Dr. M. A. Aziz, following members were present:-

1. Mr. Chand Pasha Inamdar
2. Mr. Hafiz Bhai Dhature
3. Mr. Haroon Adam Solkar
4. Mr. H.B. Patel

The meeting started at 11.00 O'clock.

1. To grant Leave of absence if any.

Leave of Maulana Mohammed Asadullah Abdussamad Irani sanctioned since he is ill.

2. Confirmation of minutes of meeting held on 31-5-2005.

Minutes of the Meeting held on 31-5-2005 with minor modifications all points were confirmed. Except some modification to point No. **14.** that Xerox Machine for Office at Aurangabad should be purchased by Chief Executive Officer. Two Laser Printers one for Mumbai Office & one for Aurangabad Office should be purchased by the Chief Executive Officer.

Atiyat Section:-

3. Removal of Temporary Mutwalli Mr. Gulam Mahboob Abdul Khaleque Jama Masjid Old Jalna.

As per report of District Wakf Officer Jalna Dated 17-1-2005 Temporary Mutwalli failed to recover possession from unauthorized persons of S.No. 158, 125 of Village Ghodegaon and S.No. 35, 73, 31, 32, 33, 51, 55 of village Rohanwadi. Further he failed to recover rental amount from 75 Tenants and not submitted Accounts. He was served Show Cause Notice in Form AP on Dated 20-1-2005 and Charge Sheet on Dated 20-1-2005, who replied unsatisfactorily on Dated 28-1-2005. Hence he may be removed under section 64 of the Wakf Act 1995.

It is unanimously resolved by 2/3rd majority of Members present that Temporary Mutwalli Mr. Gulam Mahboob Abdul Khaleque Jama Masjid Old Jalna is removed from the post of Mutwalliship and Wakf Institution be taken under direct

management of the Maharashtra State Board of Wakfs under section 65 of the Wakf Act 1995. Chief Executive Officer is directed to take necessary steps in this regard.

4. Removal of Mutwalli Mr. Sk. Rahim Sk. Mohammed Masjid Nakshatrawadi Aurangabad.

A news was published in a Local News Paper that illegal lease is being given by the Mutwalli of above Masjid, therefore, a Charge Sheet was issued to him on 4-3-2005 and called accounts under section 46 of the Wakf Act 1995, further services were not rendered by him and Mosque is in dilapidated condition. A Show Cause Notice in Form AQ was issued to him for calling explanation for illegal sale & construction on the Wakf land Gut No. 65 admeasuring 24 Acres 9 Gunthas. He had not replied to Charge Sheet & above Notice. Because of which proposal of Gut No. 65 for attached has been sent to Dy. Collector Atiyat Aurangabad on 21-7-2005. Further for removal of said Mutwalli a notification for publication in Government Gazette has been sent on 2-8-2005. Therefore, he may be removed under section 64 of the Wakf Act 1995.

It is unanimously resolved by 2/3rd majority of Members present that Mutwalli Mr. Sk. Rahim Sk. Mohammed Masjid Nakshatrawadi Aurangabad is removed from the post of Mutwalliship and Wakf Institution be taken under direct management of the Maharashtra State Board of Wakfs under section 65 of the Wakf Act 1995. Chief Executive Officer is directed to take necessary steps in this regard.

5. Appointment of Temporary Mutwalli to Mr. Madan Shah Miyan Shah of Dargah Shahoo Shah Wali village of Takli Tq. Kannad, District Aurangabad.

The District Wakf Officer Aurangabad has submitted a proposal on dated 22-12-2004 for appointment of Temporary Mutwalli of Dargah Shahoo Shah Wali Village Takli Tq. Kannad District Aurangabad to Mr. Madan Shah S/o Miyan Shah for rendering services of the Dargah only. A notification was published on 11-6-2005 in Daily News paper Vishva Mitra Aurangabad in connection of which no objection or suggestion is received as yet. Hence for services of said Dargah he may be appointed as Temporary Mutwalli under section 63 of the Wakf Act 1995, who will not interfere in the Service Inam Land of the said Wakf Institution, presently which is under Laoni.

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter under section 63 of the Wakf Act 1995.

6. Application of Smt. Rabiya Bee W/o Sk. Amir (late) for appointment of Temporary Mutwalliya of Dargah Syed Sadat & Jama Masjid Waluj.

Husband of the applicant was Mutwalli of the above Wakf Institution who expired on 10-7-2001, after his demise succession proceeding is pending before Dy. Collector Atiyat Vaijapur in respect of S.No. 51 & 211 situated at village Kasapuri & Valuj. Honourable Chairman Maharashtra State Board of Wakfs endorsed for her appointment for 3 months as Temporary Mutwalliya on 1-8-2005. Therefore, she may be appointed under section 63 of the Wakf Act 1995 as Temporary Mutwalliya of the said Wakf Institution.

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter under section 63 of the Wakf Act 1995.

7. Appointment of Mutwalli Yonus Alam Siddiqui of Dargah Hazrat Khawja Bardruddin Shahid Chishti Rh. Tq. Pranda District Osmanabad:-

In this matter Dy. Collector Atiyat Bhoom District Osmanabad regarding succession of above Mutwalli vide Order No. 1999/Inam/Religious/CR-98/ Dated 11-2-2002 sanctioned as per Column No. 14 & 15 jurisdiction. Therefore, matter is placed for appointment of Mutwalli.

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter under section 63 of the Wakf Act 1995.

8. Fixation of 2% annual contribution to Educational and Arabi School (Madarsas) under section 72 (2) of the Wakf Act 1995.

It is unanimously resolved that Educational Institutions in which property has been dedicated as a Wakf, the Institution has to contribute towards Wakf Fund @ 2% on the net income under section 72 of the Wakf Act 1995.

Miscellaneous Section :-

9. Renewal of Managing Committee, Dargah Hazrat Shah Sokhtamiyan & Graveyard, Aurangabad for 3 year: -

Application of Chairman Managing Committee of Dargah Hazrat Shah Sokhtamiyan & Graveyard, Aurangabad has been received for their extension of period for 3 years. Previously this Managing Committee was appointed on 13-8-2004 for one year, which expired on 12-8-2005. Therefore necessary decision in this regard may please be taken, as the Managing Committee is functioning in better way. The names of the Committee are as follows:-

1.	Mr. Sk. Saleem Sk. Kareemuddin	President	Silkmill Colony Aurangabad
2.	Mr. Hafez Sk. Ahmed Sk. Mohammed	Vice-President	Silkmill Colony Aurangabad
3.	Haji Mahmood Khan	Vice-President	Jagirdar Colony Aurangabad
4.	Abdul Rahim Abul Wahed	Gen.Secretary	Silkmill Colony Aurangabad
5.	Ashad Ali Khan Mohammed Ali Khan	Jt. Secretary-Accountant	-do-
6.	Ayyub Khan Sardar Khan Momin	Jt. Secretary	Silkmill Colony Aurangabad
7.	Tajammul Mohammed Fazil	Jt. Secretary	Silkmill Colony Aurangabad
8.	Shabbir Ali Khan Zulfekhar Ali	Member	Silkmill Colony Aurangabad
9.	Mohammed Akber Md. Ismail	Member	Silkmill Colony Aurangabad
10.	Haji Nabi Alam Khan Abdul Gafoor	Member	Silkmill Colony Aurangabad
11.	Qadir Baig Mirza Osman Baig	Member	Silkmill Colony Aurangabad
12.	Yahiya Khan Nabi Alam Khan	Member	Silkmill Colony Aurangabad

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter under section 18 of the Wakf Act 1995.

10. Formation of New Managing Committee Ashoor Khana situated at Topkhana Hingoli:-

The District Wakf Officer Parbhani has submitted proposal for the appointment of New Managing Committee Ashoor Khana situated at Topkhana Hingoli on Dated 15-6-2005, with Character Certificate from Police Department. The name of the Managing Committee are as follows:-

1.	Manzoor Ahmed Khan Omer Khan	President
2.	Sanaullah Khan Faizullah Khan	Vice-Paresident
3.	Salim Shah Turab Shah	Secretary
4.	Sk. Salim Sk. Mahboob	Asstt. Secretary
5.	Sk. Akber Sk. Mansoor	Cashier
6.	Haji Khan Chote Khan	Member
7.	Ayyub Khan Omer Khan	Member

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter under section 18 of the Wakf Act 1995.

11. Formation of New Managing Committee Masjid Noorani situated at Khandar District Nanaded:-

The District Wakf Officer Nanded has submitted proposal for the appointment of

New Managing Committee Masjid Noorani situated at Khandar District Nanaded on Dated 21-5-2005, with Character Certificate from Police Department. The name of the Managing Committee are as follows:-

1.	Syed Miyan Syed Osman	President
2.	Syed Yasin Syed Ratan	Vice-President
3.	Syed Haji Syed Jalal	Vice-President
4.	Syed Ahmed Syed Miyan	Secretary
5.	Syed Rafique Syed Munoo	Cashier
6.	Syed Rasool Syed Osmana	Member
7.	Sk. Rahim Sk. Nabi	Member

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter under section 18 of the Wakf Act 1995.

12. Formation of New Managing Committee Masjid Mahboob Subhanai situated at Ambad District Jalna:-

The District Wakf Officer Jalna has submitted proposal for the appointment of New Managing Committee Masjid Mahboob Subhani situated at Ambad District Jalna on Dated 26-7-2005, with Character Certificate from Police Department. The name of the Managing Committee are as follows:-

1.	Mohammed Sadeque Hafez Dawood	President
2.	Mohammed Ismail Jan Mohammed	Vice-President
3.	Jameel Ahmed Sk. Ahmed	Member
4.	Sk. Zaheeruddin Sk. Zainuddin	Member
5.	Azimuddin Mohammed Ismail	Member

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter under section 18 of the Wakf Act 1995.

13. Formation of New Managing Committee Masjid, Dargah & Chilla situated at Village Hiswan Tq. & District Jalna:-

The District Wakf Officer Jalna has submitted proposal for the appointment of New Managing Committee Masjid, Dargah & Chilla situated at Village Hiswan Tq. & District Jalna on Dated 28-6-2005, with Character Certificate from Police Department. The name of the Managing Committee are as follows:-

1.	Sk. Yousuf Sk. Dawal	President
2.	Afsar Khan Gulab Khan	Vice-President
3.	Mohammed Rafeeque M. Mir	Secretary
4.	Sk. Mukhtar Sk. Jabbar	Asstt. Secretary
5.	Sk. Faizuddin Sk. Sharfoddin	Cashier
6.	Mohammed Khan Amir Khan	Member
7.	Mohammed Samad Md. Saab	Member
8.	Karim Khan Lal Khan	Member
9.	Sk. Aziz Sk. Mir	Member

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter under section 18 of the Wakf Act 1995.

14. Formation of New Managing Committee Masjid, Takiya & Graveyard Village Ek-Tuni Tq. Paithan District Aurangabad.

This Managing Committee was appointed for 3 months temporarily on Dated 13-7-2005, Further for one year renewal may please be accorded the names of the Managing Committee are as follows:-

1.	Sk. Salim Sk. Kasim Patel	President
2.	Abdul Azim Kasim Patel	Secaretary
3.	Abdul Gaffar Abdul Gani	Member
4.	Sk. Qadar Sk. Sardar	Member

5. Sk. Salim Sk. Kadu Member
6. Sk. Gani Sk. Mahmood Member
7. Sk. Zubair Abdul Rahman Member

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter under section 18 of the Wakf Act 1995.

15. Renewal of Managing Committee Masjid Be-Nazir Jahan Mangalwara Basmathnagar District Hingoli for one year :-

The District Wakf Officer Parbhani has recommended for renewal of the Managing Committee of the said Masjid on Dated 16-3-2005. The names of the Managing Committee are as follows:-

1. Mohammed Mustafa Mohammed Moosa President
2. Sk. Ahmed Sk. Amin Vice-President
3. Mohammed Taher Mohammed Fakhir Secretary
4. Tanweer Ahmed Sageer Ahmed Asstt. Secretary
5. Abdul Rehman Haroon Meman Cashier
6. Mohammed Rizwan Mohammed Yousuf Member
7. Pasha Malik Rajumiyan Member
8. Ishaque Ahmed Gulam Ali Member
9. Sk. Saleem Gulam Meman Member
10. Syed Zaker Syed Habib Member
11. Mohammed Osman Mohammed Sandalji Member
12. Abdul Aleem Abdul Rasheed Member
13. Mohammed Mubin Mohammed Yasin Member
14. Syed Anwar Ali Shamsheer Ali Member

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter under section 18 of the Wakf Act 1995.

16. Resignation submitted by the Members of Managing Committee Dargah Hazrat Shah Noor Hamvi Aurangabad:-

A Managing Committee was appointed on 7-1-2005, out of which 6 members have resigned on Dated 1-7-2005. Their names are as follows:-

1. Shabbir Ali Mohammed Ali Member
2. Akram Khan Kareem Khan Member
3. Azam Khan Shahnoor Khan Member
4. Shaikh Babar Sk. Asgar Member
5. Allaoddin Khan Moizuddin Khan Member
6. Syed Matin Shah Quadri Member

Resignation are to be verified & after due notice Old Managing Committee be dissolved. Hence necessary decision in this regard may please be taken.

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter. U/s 18 of the Wakf Act

17. Managing Committee of Masjid Paltan & Madarsa Anjuman-E-Islamiya Hingoli:-

A Managing Committee was appointed for above Wakf Institution on 15-2-2005, there had been quarrel between previous Managing Committee, who obtained Stay from Chief Minister. The matter was placed before Board Meeting on 28-4-2005. As per decision of the Maharashtra State Board of Wakfs, Honourable Chairman visited spot on 16-6-2005. District Wakf Officer Parbhani reported in this matter for taking over this Institution under direct management of the Maharashtra State Board of Wakfs. Hence under section 65 of the Wakf Act 1995 a letter for publication in Government Gazette has been sent on 4-7-2005. In this regard for Post-facto sanction in this has been submitted to Honourable Chairman vide this Office Letter No. 4071 Dated 21-7-2005. The Institution be

taken under direct management of the Board, since most members are tenants of the Masjid. Hence submitted for necessary decision.

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter. Honourable High Court granted Stay to our Order Dated 15-2-2005. Honourable High Court may be moved to vacate the Stay granted to the Managing Committee. Further they are delegated powers under section 18 of the Wakf Act 1995.

Enquiry Section :-

18. Lease of Umedmal Bhikulal (H.P. Distribution) Parbhani belonging to Ashoorkhana Naale Hyder Parbhani:-

M/s Umedmal Bhikulal (H.P. Distribution) is occupying land admeasuring 13248 Sq.Ft. land belonging to Ashoorkhana Naale Hyder Parbhani, originally this land was given by the then Mutwalli to Bhikulal Umedmal Banthiya. This Office has given notice under section 54 of the Wakf Act 1995 to Gendmal Bhikulal Banthiya & Others Sons of Bhikulal Umedmal Banthiya for removal of encroachment. They have replied on 9-5-2005 & 25-7-2005, that they are ready to pay the Donation of Rs. 25,000/- and annual lease amount of Rs. 7,000/- per annum with effect from 1-8-2005. The valuation of the land is yet to be obtained. Therefore, it is suggested that after valuation matter may be taken for decision of the Board. As there are complaints.

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter & under section 56 of the Wakf Act 1995.

Pendency till next meeting

19. Regarding Enquiry under Section 70 of the Wakf Act 1995 of Dargah Hazrat Shaikh Salahuddin Gazi Chishti Kasba Peth Pune:-

Mr. QuaziMisbahuddin Internal Auditor Maharashtra State Board of Wakfs Under 70 of the Wakf Act 1995 was appointed as Enquiry Officer to enquiry the matter of Dargah Hazrat Shaikh Salahuddin Gazi Chishti Kasba Peth Pune. Interim report is Submitted for discussion. Report is yet not complete in all sense, there are huge properties. I may be allowed to depute 3 persons from Board to Pune.

It is decided that Enquiry conducted by Mr. Quazi Misbahuddin Internal Auditor Maharashtra State Board of Wakfs should be circulated amongst all members of the Board and Advocate should be appointed by Honourable Chairman Maharashtra State Board of Wakfs to enquire into the entire matter.

Establishment Section:-

20. Loan Proposal for repair and renovation of House Mr. Baig Ifteqarullah Stenographer of Maharashtra State Board of Wakfs.

An application has been submitted by Mr. Baig Ifteqarullah for which Rs. 1,00,000/- is required, he requested to for this interest free. Therefore, at least Rs.50,000/- may please be granted as Loan to for repairs and renovation of his house. Since he has not submitted Plans Estimates after submission matter may be decided.

Matter is deferred to next meeting.

21. Advance Increments to Staff of Maharashtra State Board of Wakfs:-

It was decided in the Board Meeting Dated 28-5-2005 vide Resolution No. 4 to submit proposals to sanction Advance Increments to the Staff Members of the Maharashtra State Board of Wakfs who's performance is excellent. Thus in my opinion the following Staff Members may please be given Advance Increments:-

S.No.	Name of the Employee	Designation	Award of Increments	Approximate Expenditure per month

Seniority list may be submitted in the next meeting

1.	Quazi Misbahuddin	Internal Auditor	Two	499/-
2.	Baig Ifteqarullah	Stenographer	Two	554/-
3.	Syed Shakir Ali	Income Tax Auditor	Two	518
4.	Syed Faiz	Dy. Wakf Officer	Two	466
5.	Syed Aqeeluddin	Imam-Cum-Superintendent Pan.	Two	370/-
6.	Shafeeque Ahmed	Jr. Clerk	Two	330/-
7.	Majed Khan	Jr. Clerk	Two	330/-

These above employees are found hard workers as well as loyal in obeying the Orders of the Officers up to the mark of integrity. They are working extra time than the Office timing for which they are not paid any Overtime Allowance, as the jurisdiction of the Wakf Board has been increased after implementation of the Wakf Act 1995, and the work of Maharashtra State Board of Wakfs is carried on the shoulders of these limited Employees. Appreciation letters to these Employees may please be given. It is therefore, submitted to accord sanction to above proposal.

Matter is deferred to next meeting.

22. Appointment of Dy. Wakf Officer Rajura District Chandrapur:-

Mr. Basheeruddin Kareemuddin Bukhari was appointed as Dy. Wakf Officer Rajura on 26-3-1996 on a fixed Pay of Rs. 500/- per month, who has resigned on 17-4-2005. An application of Mr. Abdul Basit Abul Rauf Biyabani R/o Rajura has been received to this Office for appointment as Dy. Wakf Officer Rajura, he is presently working in that area. Thus may be accorded @ monthly salary of Rs. 500/- per month.

It is decided that Honouable Hafiz Hussain Dhature member Maharashtra State Board of Wakfs will give his report.

<u>Siyanat Section :-</u>

23. Proposal for Allotment of Land of Dargah Chandni Begum Chandni Chabutra HimayatBagh Aurangabad to a Minority Institution Dr. Jafar Educational & Agro Research Foundation Aurangabad as well as for Hajj House to the extent of 2 Acres land:-

Mutwalli of Dargah Hazrat Chandni Begum Chandni Chabutra, Himayat Bagh Aurangabad had submitted application for sanction of proposal of allotment of land to the extent of 2 acres to a Minority Institution Dr. Jafar Educational & Agro Research Foundation Aurangabad for Education purpose. This Minority Institution's President is ready to fight legal battle for protection of Wakf properties of the said Wakf Institution, with help of Mutwalli and ready to pay Rs. 10,000/- per annum. Therefore, this proposal of a Minority Institution may please be approved. The land is in possession of Parbhani Agriculture University, Dr. Jafar Educational Society is ready to fight case in Tribunal. After getting possession this lease be allowed, but as per Valuation of R.R.

It is decided that Honourable Chairman has been delegated powers under section 27 to decide the matter. Concerned party be called before Honourable Chairman to finalize the issue. They are further delegated powers under section 56 of the Wakf Act 1995.

24. Application of Smt. Seeta Bai Hanumandas Agarwal tenant of Shop No. 2-4-19& 2-4-20:-

Smt. Seeta Bai Hanumandas Agarwal Wife of Ex-tenant of is tenant of Qaderabad Jalna, she has given application on 24-2-2005, for transfer of Shops allotted in her name bearing Nos. . 2-4-19& 2-4-20 admeasuring 286 & 96 Sq. Ft. total 382 Sq. Ft. these two Shops to transfer in the name of Bhagwan S/o Bhawarlal Daima. The District Wakf Officer Jalna had submitted reported on Dated 19-4-2005 for charging Rent as per Market Value.

The value of the land is coming 78,071/-. In this matter Honourable Minister Rajesh Tope has also recommended. Further Mr. Mohammed Muzammil S/o Mohammed Afsar R/o Badi Dargah Qadarabad Jalna submitted a Notice through Advocate Gulam Mustafa that he is Mujawar of the Institution to which these Shops belongs and above tenancy was for only 11 months in the name of Hanumandas Shivdas Agrawal (Gindodiya) before 30 years, who expired before 6-7 years before, presently shops are vacant. He is agreed to pay Wakf Fund as per rules. Therefore, it is my opinion that these shops may be auctioned openly and allotted to the highest bidder on 11 months rental basis, hence submitted for necessary approval.

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter & under section 56 of the Wakf Act 1995.

25. Tender of Gud Phutane, Shirni etc. of Dargah Hazrat Turabul Haque Parbhani:-

The contractor Mr. Afsar Khan Osman Khan filed case before Wakf Tribunal Aurangabad, in which Orders of the Wakf Tribunal Aurangabad in case No. 86/2004 passed on 9-2-2005 that the said contractor should make payment of 50% amount before 3 months and balance half amount within the period of six months from date of passing the Orders. Therefore, this Office has communicated vide this Office Notice Dated 29-7-2005 to he should clear the remaining 50% amount before 8-8-2005, but he failed to comply the orders of the Wakf Tribunal Aurangabad as well as Maharashtra State Board of Wakfs in stipulated period. Hence submitted for necessary decision.

Everything was brought before the Board, it was Resolved that Legal procedure for recovery of dues should be started by the Chief Executive Officer in proper Court of Law. Meanwhile Gud Phutane Tender should be allowed to complete his term, otherwise he will refuse to pay the amount.

26. Tender No. 2/2 Goat Skins of Dargah Rauna Parada Tq. Ambad District Jalna:-

In this matter the Highest bid was of Mr. Abdul Hafiz Abdul Gaffar for Rs. 13,00,786/- the bidder was ordered to pay 50% money on 12-7-2005, but he failed. Hence his Deposit stand forfeited, then 2nd Bidder Mr. Sanaullah Murtuza Ali given time up to 25-7-2005 to pay 50% money, but he could not pay money on 25-7-2005 or before. As per approval of the Honourable Chairman Maharashtra State Board of Wakfs III rd bidder Mr. Murtuza Lal Ahmed Bookwale R/o Sholapur was given opportunity to credit 50% amount as per conditions of the above Tender as well as Earnest Money of Rs. 1 Lakh before 9-8-2005, who had also failed to credit the same. But asked 2 days time more for crediting the same. Hence necessary decision may please be taken in this regard.

It is decided that Honourable Chairman is delegated powers under section 27 to decide the matter.

27. Tender of Goat Skin of Dargah Hazrat Turabul Haque Parbhani 2005-06:-

In this matter Highest Bidder Mr. Mohammed Rafi Abul Sattar R/o Gangakhed District Parbhani was sanctioned for consideration of Rs. 13,76,786-92 Paise, up till now he had paid Rs. 4 Lakhs only. But as per terms and conditions the stipulated period of payment has been expired and the Post dated Cheques were forwarded to the concerned Bank, but the same has been bounced. In this regard Advocate Iqbal Hussain of Parbhani has been asked to file the case against the said Contractor. Hence submitted for necessary further directions.

Everything was brought before the Board, it was Resolved that Legal procedure for recovery of dues should be started by the Chief Executive Officer in proper Court of Law. Meanwhile Goat Skin Tender should be allowed to complete his term, otherwise he will refuse to pay the amount.

28. Application of Moinuddin Farooqui for return of Rent & Donation amount of Sarai Zinatji Machli Khadak Aurangabad:-

In this matter a shop of allotted to Moinuddin Farooqui vide Board Resolution No. 68 Dated 22-7-1993 by the then Marathwada Wakf Board. But due to Ex-Tenant Soogra Bee handed over possession to Rukhsana Begum, Board could not deliver the possession as per Board Resolution to Moinuddin Farooqui. He has deposited Rs. 30,000/- Donation and Rent of Rs. 33,600/- in Wakf Board. Now he is demanding the amount paid by him i.e. 63,600/-, further he stated that the encroacher may be called in his presence for final settlement, by charging Donation of Rs. 1 lakh and monthly rent of Rs. 3,000/-. Hence submitted for necessary decision.

It is decided that whole file should be submitted to Honourable Haroon Adam Solkar Member Maharashtra State Board of Wakfs, who will give his legal opinion.

29. Application of Mr. M. A. Rasheed Engineer R/o Parbhani for exchange of Wakf property:-

District Wakf Officer Parbhani has submitted report in this matter for exchange of Wakf property H.No. 376 situated in Ward No. 5 Parbhani with H.No. 392 adjacent to the Mosque Memaran Gujri Bazar Parbhani, this exchange had already been taken place by the Mutwalli Mr. M. A. Rasheed Engineer Parbhani. Hence Post-facto sanction may please be accorded in this matter.

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter, before that area of House and cost should be submitted & delegated powers under section ~~56~~ 51 of the Wakf Act 1995. 51

30. Dilip Chitlange Case Lease C.T.S.NO. 12503 Jalna Road Aurangabad:-

As per Board Resolution on Dated 16-6-2004, powers were delegated to Honourable Chairman and Chand Pasha Inamdar, & Hafiz Hussain Dhature to decide the case. Honourable Chairman & Chand Pasha Inamdar passed an Order Dated Nil, since land was in his possession for 5 years. It was impossible to withdraw the land from them. Hence Mr. Chand Pasha Inamdar & Honourable Chairman had a discussion with Chitlange & Agrawal and it was decided to give C.T.S.No. 12503 for lease in the following terms:-

A) Lease will be for 3 years and lease amount will be revised by 7% each year.
B) After construction Lessee will pay Rs. 5/- per Sq. Ft. on the constructed area to the Maharashtra State Board of Wakfs.
C) In addition Lessee will pay Rs. 5 Lakhs as Premium to the Wakf Board.
D) Lessee will pay Rs. 1 Lakh lease amount to the concerned Wakf, each year. Accordingly legal procedure was completed, objections and suggestions were called by publishing in Government Gazette Dated 16-6-2005, no objections were received.

Hence Mutwalli was informed on 7-7-2005 to execute lease immediately. But he failed, therefore, Mutwalli was kept under suspension and lease amount may be confirmed by the Board of 2001 to 2005 is accepted in Old Terms. Total Rs. 6,18,000/- is received by the Board. Hence for confirmation as per provisions of section 56 i.e. 2/3rd Majority of the Board Members. Necessary Notice is issued to him. Enquiry is initiated against his misdeeds and Enquiry Officer is appointed to Mr. Aziz Ahmed, he is doing enquiry. After Enquiry he may be removed, in this transaction, it seems beneficial to Wakf.

The decision has been taken by Honourable Chairman and Mr. Chand Pasha Inamdar as per Resolution Dated 16-6-2004 is confirmed i.e. lease period will be for 3 years and will be revised 7% every year, after construction Lessee will pay Rs. 5/- per Sq.Ft. on the constructed area to the Maharashtra State Board of Wakfs, in addition lessee will pay Rs. 5 Lakhs as Premium to the Wakf Board & Lessee will pay Rs. 1 Lakh lease amount. Further an Enquiry of Mutwalli be

entrusted to Mr. Aziz, who will complete the Enquiry within 3 months till then suspension of Mutwalli is confirmed. Also lease of period for 2002 to 2005 be taken at Old Rates i.e. in lump sum & previous lease of Rs. 18,000/- for 3 years be collected.

31. Decision to determine the Market Value of the land while charging Lease amount Government Ordinance Bearing No. II on 7th May 2005:-

The Market Value of the Wakf lands in Urban area is very high and therefore, it is just impossible to favour the higher lease amount. Now Government of Maharashtra vide Ordinance No. II of 1005 Dated 7-5-2005, as decided in principal that Valuation of land of lease up to 5 years should be 10% of the Market Value. In my opinion this decision may be applied for giving leases up to 3 years. We will also charge 8% to 15% as lease amount on these lands depending upon its commercial uses. This proposal may be accepted.

It is unanimously resolved that Board will take decision on merit of each case: Separately

32. Masjid Village of Nalwandi Tq. Beed S.No. 205, 206 Service Inam Land out of which 10 Acres to allotted for Ginning factory to Tabrez Ahmed :-

The District Wakf Officer Beed has submitted a proposal on 10-6-2004 and 7-7-2005 for allotment of land from Service Inam Lands S.No. 205, 206 Gut No. 583 belonging to Masjid Nalvandi Tq. Beed. Because of non-grant of Succession of the Inamdars the lands are under supervision of the Government, Mohiuddin is Mutwalli of the said Wakf Institution, Mr. Parvez Ahmed Siddiqui is Grand son of the Original Mutwalli have given G.P.A. for release of the said Service Inam Land from Government supervision and out of which 10 Acres land be allotted to Tabrez Ahmed Abdul Rauf who is brother of the G.P.A. holder for Ginning Factory. After release from Government supervision case can be considered by calling Market Value by R.R. Method. Hence necessary decision in this regard may be taken.

It is decided that Market Value should be obtained and Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers to decide the case finally. Meanwhile procedure prescribed under section 56 should be followed by the Chief Executive Officer

33. Exchange of Service Inam Land Dargah Hazrat Basheeruddin Tq. Bhokar District Nanded :-

District Wakf Officer Nanded has submitted a report on Dated 11-5-2005 for Exchange of Service Inam Land Dargah Hazrat Basheeruddin Tq. Bhokar District Nanded S.No. 196 admeasuring 3 Acres 30 Gunthas with another private land bearing Gut No. 202 admeasuring 5 Hector 39 R situated at Bhokar out of this 1 Hector 10 R is to exchanged share of Mr. Narsimloo S/o Dharmanna Gajalwad R/o Kini. There are heavy chances of encroachment on Service Inam Land as the same had become part of the City Bhokar. Both the land's Market Value is as under:-

1. S.No. 196 (Gut No. 496) Service Inam Land total value Rs. 8,74,500/-
2. Gut No. 202 Private Land Total value Rs. 10,12,500/-

Hence necessary decision in the regard may be taken.

It is decided that powers are delegated to Mr. Chand Pasha Inamdar. Legal procedure under section 56 should be started by the Chief Executive Officer, difference of amount should be taken from the Lessee.

34. Dargah Burhan Peer Saheb Village of Nandgaon Tq. Latur Service Inam Land S.No. 268 admeasuring 6Hector 5 R out of which 1 Acres 20 Gunthas to be allotted to Arabi School:-

The District Wakf Officer Latur submitted a proposal on 19-4-2005 for allotment of land to the extent of 1 Acre 20 Gunthas for Arabi School from S.No. 268. The Inamdar of

the said Dargah has submitted application to grant the permission for running the said Arabi School under Al-Falah Education & Welfare Society. The Inamdar has been issue a letter on 20-7-2005 from this Office to charge 8% of the Market Value of the said land i.e. 8000/- per annum initially & pay 7% Wakf Fund to the Board under section 72 of the Wakf Act 1995. Hence submitted for necessary sanction.

It is unanimously resolved that land be given on 3 years lease to Al-Fala Education & Welfare Education Society. Procedure under section 56 of the Wakf Act 1995 should be started by the Chief Executive Officer Maharashtra State Board of Wakfs.

35. Consideration of cancellation of long term lease of S.No. 45 & 46 belonging to Jama Masjid Killa Beed due to contravention of terms and condition by declaring Khalsa (Madad Mash) under the provisions of the Hyderabad Abolition of Inams & Cahs Grants Act, 1954 by leases:-

S.No. 45, 46 belonging to Jama Masjid Killa Beed, area 32 Acres 20 Gunthas. It was resolved by the Marathwada Wakf Board vide Resolution No.120 Dated 3-9-1995 granted land on long term lease for 51 years on Rs. 1000/- per annum to Sk. Kasim and Sk. Nizamuddin Zainuddin. Lease deed was executed on 18-9-1995. They were put in the possession, thereafter, Sk. Qasim & Sk. Nizamuddin made an appeal to Dy. Collector Atiyat Beed for regrant of land as per section 6(1) of the Hyderabad Inam Abolition Act and the Dy. Collector Beed vide his order Dated 28-8-2000 declared lands as Madad Mash. On 28-8-2000 against this order Wakf Boardmoved to the Government of Maharashtra under section 2 (A) of the Hyderabad abolition of Inamd and Cash Grants Act 1954. On above order the case is pending with the Government. Meanwhile concerned persons has obtained permission from Town Planning department Beed. I have written to the Assistant Director Town Planning on December 2004 and accordingly by their letter Dated 13-12-2004, the Town Planner Beed has cancelled the Layout Permission. As the lessee has done illegal act, hence lease granted in 1995 may be cancelled. The land S.No. 45 area 28 Acre 35 Gunthas belongs to Jama Masjid Beed, the land in question was given on lease vide Resolution No. 88 of 7-7-1996 to Bhasu Govind Rohidas & Khatib Jilani S/o Shamsuddin & Syed Hamid Syed Bane Miyan and Lease deed was executed on 19-8-1997 on behalf of Board by District Wakf Officer Beed. Further Basu Ballaya Govind Ballaya, Rohidas Ballaya, Haji Khatib Jilani made on appeal to Dy. Collector Beed to declare land as Madad Mash Dy. Collector vide his order Dated 27-7-2001 declared land as Madad Mash land as per section 2 (a) of Hyderabad Inam Abolition Act 1954, against this order we have mover in Government. Government has granted stay on this Order, case is still pending in Government level, lease being abinitio & void may be cancelled.

It is unanimously resolved that lease given on 3-9-1995 by the then Marathwada Wakf Board is cancelled.

36. Consideration of cancellation of long terms lease of S.No. 25 & 84 situated at Kurla Tq. & District Beed belonging to Masjid Bannu Bee, Beed, due to contravention of terms and condition by declaring Khalas (Madad Mash) under the provisions of the Hyderabad Abolition of Inams and Cash Grants Act, 1954 by leases. And sold out to various persons:-

The land S.No. 25 & 84 of Kurla District Beed belongs to Masjid Bannu Bee, Beed. The said land was given on lease to Smt. Zahida Begum Mirza Shahbaz Baig for 51 years on yearly lease of Rs. 1000/- Smt. Shahbaz Begum Mirza Saifullah, Mirza Razaullah made an application to Dy. Collector Beed for declaring land as Madad Mash land. Dy. Collector passed order on 17-5-2001 declaring Madad Mash land against it Board had preferred appeal in Government of Maharashtra, it is still pending. Lease is already declared void by the Government of Maharashtra.

It is unanimously resolved that lease given to Smt. Zahida Begum Mirza Shahbaz Baig for 51 years is already cancelled by the Government of Maharashtra, the Maharashtra State Board of Wakfs also concurs decision of the Government of Maharashtra.

37. Consideration of cancellation of long terms lease of S.NO. 20 belonging to Dargah Hazrata Syed Suleman Saheb Beed, due to contravention of terms and conditions by declaring Khalsa (Madad Mash) under the provisions of the Hyderabad Abolition of Inams and Cash Grants Act, 1954 by leases.

S.No. 20 admeasuring 1 Acre 8 Gunthas was given on lease vide Resolution No. 138 Dated 3-9-1995 to Sk. Ateeque, Sk. Rafeeque, Sk. Layeque , Mrs. Zainab etc. on yearly lease amount of Rs. 5000/- and donation of Rs. 50,000/-. Sk. Zainuddin Nizamuddin made an application to Dy. Collector Beed to declare land as Madad Mash, despite opposition from Wakf Board he passed an order on 30-7-2001 declaring Madad Mash, against this order Board obtained Stay. Case is still pending at Government and High Court. Lease may be cancelled.

It is decided that the lease given on Dated 3-9-1995 to Sk. Ateeque, Sk. Rafeeque, Sk. Layeque , Mrs. Zainab etc. be cancelled after verification of the Honourable High Court's Order.

38. Exchange of land Survey No. 57 (Gut No. 120) situated at Asrjung Tq. District Nanded belonging to Dargah Hazrat Mecca Shah Wali Gadipura Nanded:-

It needs further study, documents are just received, I have to study.

It is decided that the Chief Executive Officer should submit his report in the next meeting.

39. Recovery of possession of S.No. 95 at Jalna Road Beed belonging to Dargah Hazrat Raziuddin Makki Beed, due to illegal sale of plots:-

S.No. 95 belong to Dargah Hazrat Raziuddin Makki admeasuring 14 Acres 19 Gunthas given on lease by Wakf Board vide order Dated 18-8-1994 to Narayan Karansingh Patel for 51 years period. Complaint was made to Collector Beed, the conflicted the land and cancelled lease, Additional Collector Beed vide his order 18-11-2000 cancelled all lease and ordered S.D.O. Beed to take land in possession as per direction of Honourable High Court in Writ Petition 5138/2000.

It is unanimously resolved that lease is cancelled & land be taken under Board. U.

40. Discussion regarding sale of S.No. 121 & 122 belonging to Jama Masjid Killa Beed:-

S.No. 121 & 122 belonging to Jama Masjid Killa Beed, area 25 Acres 32 Gunthas & 25 Acres 01 Guntha respectively, I have personally engaged with the District Wakf Officer Beed whether this land is sold, there is no record, but it is learnt that some persons have notarized unauthorisedly. The documents are not available. I have written to Dy. Collector Beed not to regrant these lands without hearing to Board.

It is unanimously resolved that Inamdar should be placed under suspension & Dy. Collector should be asked not to re-grant these lands as per provisions of Hyderabad Inam Abolition Act without hearing of the Maharashtra State Board of Wakfs.

41. Discussion for development of land S.No. 103 (part) area 30 Gunthas and S.No. 102 (part) and survey No. 103 (part) area 1 Acre 38 Gunthas at Jalna pertaining to Dargah Raja Bag Sher Sawar Jalna:-

It is decided that Project Report is submitted in the Office of Honourable Chairman, he will take the decision in this regard.

42. Transfer of Shop Masjid Wazirabad Nanded:-

The District Wakf Officer Nanded has submitted a proposal on 19-4-2005, for Transfer of a Shop belonging to Masjid Vaziarabad Nanded from Tenant Sk. Salim Sk.

Ahmed to Mohammed Idris Mohammed Suleman. As per the Market Value the rent may be charged Rs. 500/- per month. The Agreement of the rent deed of 11 months. Hence the proposal is submitted for approval.

It is decided that the valuation of the property may be done and submitted in next meeting of the Board.

Cases Section:-

43. Writ Petition No. 2320/89 Mohammed Minhajuddin V/s State & Others regarding Wakf property Masjid Ibrahim, Dargah Peer Jalna Road Aurangabad:-

In this matter Honourable High Court Aurangabad has passed Order on 17-2-2005, by restoring said Petition to its original position, as Stay was granted previously on 24-4-1989 on Letter No. WKF/ESTT/1645/84 Dated 7-4-1984 of this Office regarding removal of Mutwalli and handing over charge of Institution. The proceeding started by this Office under section 54 of the Wakf Act 1995, 2-3 tenants surrendered to this Office and agreed to pay the rent to Board for shops of this Institution. Meanwhile the Honourable High Court has passed the above mentioned order. Therefore, legal opinion was called from Quazi Gulam Qadar Advocate of the Board and as per advise of Advocate there is no remedy to stop the further proceeding initiated by this Office and to pursue the case for vacating Stay or to appoint Temporary Mutwalli to the Petitioner's L. Rs. Hence necessary decision may please be taken in this matter.

It is decided that Stay granted by Honourable High Court may be vacated by engaging suitable Advocate. Mohammed Minhajuddin's L. Rs. should not be appointed as Mutwalli.

44. Contempt Petition No. 213 of 2004 in Writ Petition No. 3371 of 2002 Mohammed Muzaffar Siddiqui V/s State & Others:-

In this matter Mr. Muzaffar Siddiqui Ex-Secretary has filed Contempt Petition for noncompliance of Orders of Honourable High Court in Writ Petition No. 3371/2002 passed on Dated 9-6-2003 as well as Government Orders for reinstatement of the petitioner. As per the directions of the Maharashtra State Board of Wakfs Resolution No. 5, a Civil Application was moved before Honourable High Court, which is pending. But Honourable High Court yet not passed any order for extension of time. Our application was kept pending saying that there is no urgency. In the last meeting I have already pointed out that there will be contempt of Court. Honourable High Court admitted Writ Petition again. Chief Executive Officer I apprehended there would be adverse order, hence it is suggested that he may be reinstated & after reinstatement, Departmental Enquiry be initiated as per M.C.S. Rules& after enquiry Board can terminate his service. But face stage being for under is to be found.

It is unanimously resolved that as per Honourable High Court's Order & Government Orders Mr. Mohammed Muzaffar Siddiqui's suspension is revoked. He is to be posted at his original post of Account Superintendent and further it is resolved that D.E. as per provisions of M.C.S.R. should be initiated against him.

Registration Section:-

45. Permission for grant of Scheme Under section 69 of the Wakf Act 1995:--

Following Institutions submitted Schemes for sanction under section 69 of the Wakf Act 1995:-

a) Trustees of Badi Masjid WB-49 Temple Bazar Sitabuldi Nagpur.
b) Trustees of Lashkari Bagh Gandhi Nagar Masjid WB-F-138 Nagpur.
c) Kham Talav Masjid WB-4 Dr. Zakir Hussain Ward, Bhandara.

It is decided that all Schemes a),b) & c) should be circulated to Members and Procedure prescribed under Wakf Rules should be started i.e. publication in

Government Gazette & calling Objections. Kham Talav Masjid WB-4 Dr. Zakir Hussain Ward, Bhandara, should be submitted in next metting.

Any other matters with the permission of the Chair:-

46. Appointment of Honourable **Dr. M.A. Aziz** Chairman Maharashtra State Board of Wakfs as a Member on Prime Minister's High Level Committee:-

It is unanimously resolved that Dr. M.A. Aziz Chairman Maharashtra State Board of Wakfs is appointed as Member by Honourable Prime Minister on Prime Minister's High Level Committee, the Maharashtra State Board of Wakfs congratulate Dr. M.A. Aziz for his appointment. This Resolution should be submitted to Honourable Chief Minister, Wakf Ministers & all Board Members.

47. Application of Mukheet Khan Sher Yar Khan for reinstatement at Dargah Rauna Parada District Jalna:-

It is decided that Mukheet Khan Sher Yar Khan be reinstated with the condition that he should not claim any past wages from the Board on temporary basis of 11 months.

48. Matter of Idgah Nilanga Managing Committee:-

It is decided that matter of Idgah Nilanga Managing Committee should be submitted in next meeting of the Board.

49. Shopping Centre Idgah Parbhani matter:-

It is decided that permission may be given to Shopping Centre Idgah Parbhani And Mutwalli be asked to submit Development Plan. As already an Affidavit is submitted by Honourable Chairman in Honourable High Court.

50. Matter of land behind M.P. Law College Aurangabad:-

It is unanimously resolved that in this matter Notices be issued to the parties.

51. Matter of Rahuri Dargah Sind Bawa, Sale permission under section 51 of the Wakf Act 1995:-

It is decided that Honourable Chairman is delegated powers under section 27 of the Wakf Act 1995 & decide the matter under section 51 of the Wakf Act 1995 by following procedure.

52. Delegation of powers to Maharashtra State Board of Wakfs to appoint Kazies:-

The Kazis Act , has been enacted in the year 1880 when there was no Law on the Wakfs in India. Obviously, under section 2 of the Kazis Act, the power to appoint Kazi under Muhammadan Law is vested with the Government, after consulting the principal Muhammadan residents of the local area. However, after inception of the Constitution of India, the Parliament has enacted the Wakf Act, 1954 giving statutory recognition to the Wakf Institution. Now, the Parliament has enacted Wakf Act, 1995 (repealing the Wakf Act, 1954). Thus, the statutory "Wakf Board" in the State, constituted under the Central Act, is the only recognized body under the Muhammadan Law. Moreover, the Government of Maharashtra has conferred the status of the Minister of State upon the Chairman of the Maharashtra State Board of Wakfs.

2. It has been brought to the notice of the Wakf Board that, in the State except Mumbai and Sholapur (Where only Kasi of each the said cities is appointed) no Kazi has been appointed by the Government in exercise of the powers conferred on it by section 2 of the Kazis Act.

It appears that, this may be due to lack of communication between the parties i.e. Government at one end and the Muhammadan of the State on the other. This gap can be bridged to some extent, by appointing Kazis on the recommendation of the Wakf Board. In this connection, attention is invited to the provisions of section 4(2) of the

Muslim Woman's (Protection of Rights on Divorce) Act 1986 which states that, where divorced woman is unable to maintain herself and has no relative who can maintain her, the Magistrate may by order, direct the State Wakf Board, functioning in the area to pay such maintenance as determined by him. Attention is further invited to the Government Orders, Revenue Department dated the 5-7-1956 and 4-3-1960, by which the supervision of Kazis has been entrusted to the Muslim Wakf Board. Means, the Law of Parliament and the State Government have also recognized the concerned of the State Wakf Board in such matters. When such duty is saddled on the State Wakf Board by the Central Law itself and by the State Government, such statutory bodies (Wakf Board) shall have some reasonable control over the marriages in the State.

Therefore, the Maharashtra State Board of Wakfs unanimously resolved to request the Government of Maharashtra to delegate power to appoint the Kazis under Kazis Act 1880 to the State Board of Wakfs, by Government Order to that effect, so that better management of Kazis functioning in the State can be achieved.

53. Application of Sunni Muslim Masjid Trust Dated 26-8-2005, in case of WB-14 (P.T.R.No. 14), Nashik Road, Nashik in M.S.B.W./REGISTRATION78/3284/2005 DATED 27-5-2005.

It is unanimously resolved that extension may be given for one year & all powers to take final decision.

05/9/05
Chief Executive Officer
Ex-Officio Secretary
Maharashtra State Board of Wakfs
Aurangabad

Mr Jawlana Akil

$ copy be submitted
all d'ble members by
speed Post A/D, without fail
It is complained that the d'ble
members do not receive it in
time, ensure that it is received
by all the d'ble members.

CEO,
5/9/05