महाराष्ट्र राज्य वक्फ मंडळ

Minutes of the Board meeting dated 21/11/2008 held at Sahyadri Guest House, Malabar Hill, Mumbai at 6:00 pm

The Board meeting was convened at 6:00 pm on 21-11-2008 at Sahyadri Guest House, Malabar Hill, Mumbai the following Board members and officer were present.

1) Hon'ble Shah Tarique Anwar, Member of Parliament and member, Maharashtra State Board of Wakfs.
2) Hon'ble A. U. Pathan, Member of Bar Council and Member of Maharashtra State Board of Wakfs.
3) S. S. Ali Quadri, Ex-Officio Secretary and Chief Executive Officer, Maharashtra State Board of Wakfs Aurangabad

As the quorum was available therefore a meeting began at 6:00 pm. Hon'ble Member Shah Tarique Anwar, presided over meeting with the consent of other Board member.

Point No. 1 T Grant leave of absence if any.

Janab Abdul Samad Irani, was sent the copy of the Agenda and notice of meeting but as there was no intimation. His absence was his treated as leave. Janab. Shah Tarique Anwar, Member and Janab Adv. A. U. Pathan, Member were present and there was full quorum. The meeting was conducted under the Chairmanship of Mr. Shah Tarique Anwar.

Janab A. U. Pathan, Member in the beginning of the meeting ed. express his desire to welcome new Chief Executive Officer, Janab S. S. Ali Quadri for joining the Wakf Board. Board passed a resolution of welcome as well as thanking him for joining the Wakf Board.

Point No. 2 Confirmation of the meeting on dated 06-10-2008.

Proposal: - Draft meeting Board dated 6-10-2008 has been circulated to the Hon'ble Members.

Resolution No. 81/2008:-

The Minutes were discussed in the meeting and same were confirmed unanimously.

Establishment Section:-

Point No 3:

Confirmation of D.A. @ 7% and advance payment of two Basic pay as per G.R. of dated - 15 / 10/ 2008 and 6/10/2008.

Proposal: -The increased D.A. by the Government resolution in Finance Department मभवा-११०८/प्र.क्र.७९/वेपूक /दि. १५-१०-२००८ @ 7% has already been sanctioned vide this office order MSBW/EST-652/ / 08 of dated 17-10-2008 and also released two advance basic pay of 6th Pay commission to the Board employees as per G.R. bearing no वेपूर-१२०८/प्रक्र-७२/सेवा-९ मंत्रालय मुंबई दि.०६.१०.२००८ Hence this matter is kept in the Board meeting for confirmation.

Resolution No. 82/2008: -

Discussed and confirmed the proposal

Point no. 4: Appointment of Mr. Muhammad Abdul Sattar s/o M.A. Gaffar, R/o Kiradpura Aurangabad as clerk. on compassionate ground.

Proposal: - Janab M. A. Gaffar was working in the Board office as clerk and suddenly expired on dated- 10/ 11/2008. His eldest son named Mr. Muhammad Abdul Sattar, has applied on 17-11-2008 to Board for appointment on his post on compassionate ground as there is no other earning member to carry out the family expenses. So also in the previous Board meeting of 6th Oct 2008 Janab Shaikh Naim s/o Shaikh Rahim was appointed as peon on compassionate ground but he was given fixed pay. Now he may be appointed on regular pay scale of Rs. Hence matter is kept in Board meeting for discussion and decision.

Resolution No. 83/2008: -

Discussed this proposal sympathetically and as per the provisions in Government of Maharashtra's resolution of

G.A.D No. ……9……. Regarding appointment on compassionate ground. So also Janab M.A. Sattar be appointed in the pay scale of Rs. 3050-75-3950-80-4590 directed to Chief Executive Officer to appoint him as Jr. Clerk in the pay scale of Rs 3050-75-3950-80-4590 on compassionate ground so also janab Shaikh Naim be given regular pay scale Rs. 2550-55-2660-60-3200/-

SIYANAT SECTION -1

Point no. 5: Issuing of No Objection Certificate for development of wakf properties.

Following proposals were discussed and approved in the meeting of the Board dated 21.11.2008 vide resolution no. 26.1/2008 for issue of No objection Certificate for Development of Wakf properties.

i) Kausa Jama Masjid Trust, Kausa, Mumbra Thane.
ii) Cassum Ismail Mistry Trust,Mumbai.
iii) Nawab Ayaz Ali Khan Masjid Trust, Mumbai.
iv) Seth Alibhoy Amiruddin Wakf Estate, Mumbai.
v) Haji Ismail Allana Charity Trust, Mazgaon, Mumbai.
vi) Mama Hajiani Dargah & Mosque & Mohammed Hasham Sanatorium Truts, Mumbai.
vii) Mohammed Ali Noorbhoy Bundukwala Trust,
viii) Peer Rahimuddin Shah Dargah Trust, Uran TQ. Uran Dist. Raigad.

Proposal: - The Ex-Chief Executive Officer Shri. S.S. Gunjal endorsed in all the above files that the resolution passed in the meeting date 3rd April 2008 is not passed by 2/3rd majority. Though the Chief Executive of Officer was present in meeting, No Objection was taken at that time, subsequently without informing Board Member or asked for explanation as it requires u/s 26 of the Wakf Act 1995. These matters are to placed in the coming Board meeting for negotiation and decision but without following the due procedure of law the then Chief Executive Officer reported to the Government without consultation of the Board. These proposals are of Development and not alienation No Clarification was sought. However it is pointed out that u/s 26 of the Wakf Act 1995 the then Chief Executive Officer is require to submit these proposal

for reconsideration before the Board. If Board ~~is not considered~~ fails to Consider then the Chief Executive Officer should refer this matter to the Government.

However at serial no (vii) in this matter Honourable High Court orders and NOC for only demolition has been issued vide order no 2989/08 dated 02.08.08. The matter is placed before the Board meeting for discussion and decision.

Resolution No. 84/2008 :-

Discussed in detailed and the Chief Executive Officer is directed to issue the N.O.C.s in these matter as these matters are pending for morethan one year and Board is receiving complaints from trustees of these Wakf institutions. Moreover these matters were already discussed in details and also confirmed in the Board meetings. Not a single matter on this point of agenda is in respect of alienation and all the matters are in respect of development.

As the then C.EO Mr. S. S. Gunjal has not acted as per the provision of this Act, therefore there is no substance in his letter referred by him to the Government.

SIYANAT SECTION -1

Point no. 6.:- Grant of renewal of lease period.

Proposal

Mr. Dilip Chitlange and Agrawal applied to the Board for renewal of the Lease deed executed by the Board on dated- 01/ 08/ 2005 for a period of 3 years in respect of land bearing CTS. No. 12503 admeasuring 4593.00 Sq. Mtr. pertaining to Dargah Hazrat Dawood Aulia Magrabi, Aurangabad on consideration of Rs. 1.00 Lakh per year and Rs. 5.00 per Sq. feet per year of the constructed portion as lease amount. The then Chief Executive Officer of the Wakf Board has given a notice of dated 26 / 07 / 2007 to Shri Dilip Chitlange and Agrawal for this illegal transaction. Against this notice Mr. Dilip Chitlange and Agrawal filed writ petition no. 4627/07 before the Honourable High Court Bench at Aurangabad. Honourable High Court in its order of dated. 25 / 06 / 2008 directed to that if lease

period is expired then Wakf Board can decide the matter as to expiry of the lease and continuation.

Accordingly, the petitioner approached to the Board and negotiated with the Chief Executive Officer, in presence of Honourable Member A.U. Pathan and Mutwalli also attended the meeting in the negotiation for granting of renewal of expired lease deed and after negotiation it is decided that Mr. Dilip Chitlange and Agrawal will pay Rs.2.00 Lakh as lease amount per year to the Wakf institution (Dargah) and Rs. 5.77 Lakhs per year will be paid as donation to the Wakf Board, and renewal will be granted of this lease deed after expiry of the lease period of 3 years by increasing 7% of lease amount subject to condition that the writ petition no 4627/07 be withdrawn unconditionally and in this respect order has also been issued on 18-11-2008. Hence this matter is placed in Board meeting for discussion and decision.

Resolution No. 85/2008 :-

The Board resolved to confirm the continuation of lease and the action taken by Chief Executive Officer on dated 18/11/2008 is hereby confirmed. And also further resolved to revoke the suspension order of dated 01/08/2005 in respect of suspension of Mutwalli Syed Shah Aminuddin s/o Khutubuddin of said Darga.

SIYANAT SECTION -1

Point no. 7. (I.) Jumma Masjid Manor, Thane.

Proposal: The trustee of Jumma Masjid, Manor, Thane submitted proposal under section 51 of wakf Act 1995 for sale of wakf land belonging to the institution and development of the institution.

Total land admeasuring 2 H. 61 R, is proposed to be sold out and at the price of Rs. 20 Lakh 44 thousand and propose to construct the ground and 1st floor of the Masjid and Chawl estimated cost submitted for construction for Rs.83.15 Lakhs shown by the Trustees. **Selling of any Waqf property will not be allowed, but we may develop on BOT lines.** Hence this matter is placed in Board meeting for discussion and decision.

Resolution No. 86/2008 :-

Deferred

Pc . t no. 8. Nawab Arkate Khandan Trust, Chiplun, District Ratnagiri.

Proposal: - Nawab Arkate Khandan Charitable Trust bearing PTR No. B-168 is deemed registered u/s 43 of the Wakf Act 1995 has submitted an application dated 22/05/08 U/s 32 (4) of wakf Act1995 for development of the property at chiplun District Ratnagiri bearing CTS no. 302 Admeasuring 6475 sq. mtr. out of which 1125 sq. mtr, has been proposed for development, the trust have advertised in the newspaper and on merit selected M/s. Medhia Realtors to develop the plot admeasuring area 1125 sq.mtrs, the developer has offered to the trust Rs.10/- lakhs in cash and to construct madarsa of 1000.00 sq. ft and Construct a boundary wall to the entire property as it is being encroached at his own cost the remaining development portion will remain with the Developer that will rented out. The developer will pay an yearly lease rent to the trust and the land will always retain wakf sanctity, as the trust is being offered Rs.10/- lakhs the trust will pay Rs.1/-lakh as wakf fund and the developer will pay as donation of Rs. 5/- lakhs as an benefit to the Board. Still we may negotiate and finalise. Hence this matter is placed in Board meeting for discussion and decision.

Resolution No. 87/2008 :-

It is resolved and directed to Chief Executive Officer to take urgent action and to grant N.O.C. for development.

Point no. 9.:Bai-Rehmatbi widow of Haji Zakaria Patel Wakf-II (Mumbai)

Proposal:- Bai-Rehmatbi Widow of Haji Zakaria Ahmed Wakf -II Sanatorium bearing PTR no. B-133 deemed registered u/s 43 of the wakf Act 1995 has applied on 20/08/08 U/s 32 (4) of wakf Act1995 for re-development of the of the sanatorium which consists 48 tenants in 4 Blocks of the trust 48 tenants in 2 bldg leased kutchi memon community, the property is around 7331.00 sq.mtrs , the 4 blocks is about 70 years old and the 2 bldg 45

years old , the blocks and building requires immediate repairs for redevelopment to the property as the trust is not benefiting from the rent received. It has decided ~~as~~ to redevelop and called offer in the newspaper and the highest offer of M/s. Fiza Constructions, the developer will pay Rs. 7/-Crores to the trust and also rehablate the existing tenants. The developer will develop the property and rehabilate the tenants and the additional constructed part will remain with the developer for disposal and recover the investment incurred and make profit and the new and old tenants will pay an yearly lease rent to the trust. Trust will pay Rs.50/- lakhs as wakf fund and the developer will pay Rs. 50 lakhs as donation to the Board, which can be negotiated. Hence this matter is placed in Board meeting for discussion and decision.

Resolution No. 88/2008: -

This is a matter of redevelopment. The structure is dilapidated condition. Chief Executive Officer is directed to grant permission .in this matter for redevelopment as proposed.

Point no. 10. Husieni Company Trust, Mumbai.

Proposal: - Husieni Company Trust bearing PTR no. B- 90 (Bom) deemed registered u/s 43 of the Wakf Act 1995 has submitted a proposal, dated 20/08/08 to the Board for transfer of lease hold rights as the land is leased to the trust by municipal corporation for a period of 99 years the trust has rights only on the structure constructed on the plot leased by the BMC authority, as the structure is in a very dilapidated state, rehabilitating 42 tenants. The trust is helpless in maintaining the property due to poor rent. Hence the trust has decided to transfer / Assigned lease hold rights to one M/s. Hilla Builders as per the offer invited by the trust through news paper advertisement. The builder has offered an amount Rs.51/- lakhs to the trust to Transfer / Assigned lease hold rights, the Wakf Board will benefit through wakf fund from the trust and donation from the developer to be negotiated. Hence this matter is placed in Board meeting for discussion and decision.

Resolution No. 89/2008: -

It is resolved that Chief Executive Officer is to make the scrutiny and place report before the next meeting
/ Board in

Point no. 11:-Karmali Ibrahim Chevalwala Sanatorium Trust, Mumbai.

Proposal:- Karmali Ibrahim Chevalwala Khoja Sanatorium trust a shia trust bearing PTR no. B- 459 (Bom) deemed registered u/s 43 of the Wakf Act 1995 has submitted an proposal dated 14th Nov'08 for construction of additional wing to the property (sanatorium) the property bearing survey no. 120 & 94 at Andheri, the area to be constructed around 2100 sq. mtrs, the trust at its own cost is constructing the additional building or wing for the purpose of sanatorium and the part portion to rented out, the trust will be benefited from the additional part constructed which will fetch an handsome rent to the trust and will help in performing the Mansha -e- wakf, as the trust is self developing and the trust has offered Rs. 11/- lakhs as wakf fund to the Board. Hence this matter is placed in Board meeting for discussion and decision.

Resolution No. 90/2008: -

It is resolved that Chief Executive Officer, is to make the scrutiny and place report before the Board in the next meeting

Point no. 12 Dawood Bhoy Moosa Bhoy Jariwala, Mazgaon Mumbai.

Proposal: - Dawoodbhai Moosabhai Jariwala Trust is deemed registered u/s 43 of the Wakf Act 1995 and has submitted a Proposal to the Wakf Board for redevelopment the property is situated in north Mumbai known as Mazgoan in the heart of the city. The property is about 3550 sq. mtr with ground floor chawls having 180 old tenants, as mentioned the trust property is in the heart of the city requires redevelopment and one Mr. Salim & Mr. Sohail (Developer) have approached the trustees through the advertisement in the newspaper and offered the highest an amount of Rs. 2/-Crores. The developer has to accommodate the tenants and disposed the remain constructed portion and recover his investment in the project and make profit. The wakf

Board will be benefited from the deal, the trust will pay an amount Rs.14/- lakhs as wakf fund and the developer will pay donation an amount to be negotiated. Hence this matter is placed in Board meeting for discussion and decision.

Resolution No. 91/2008: -

Board resolved to grant permission for redevelopment as proposed.

Point no. 13. Bai Aminaboo Abdul Rahim Wakf , Mumbai.

Proposal :- Bai Aminaboo AbdulRahim Wakf registered with Board as wakf u/s 36 o Wakf Act 1995 bearing no. MSWB/15/2008, has submitted a proposal to the Board for re-development of Wakf (Trust) building bearing C. S. no. 1/1764 at Badlu Ratnagiri street, Madanpura Mumbai, the Structure is around 100 year old in the worst to worst condition on the verge to collapse, the trust bldg has 42 tenants, the rent is meager not enough to accommodate the expenses such as taxes, maintenance and perform the scheme of the trust. The trust has decided to redevelop the property, and advertised in the newspaper and accepted one M/s. Grais Developer to develop the property, the developer has offered the trust to rehab the 42 existing tenants and pay Rs.10/-lakhs and a flat admeasuring 350 Sq.ft (valued @ Rs. 22 lakhs). The trust will pay Rs. 70,000/- as wakf fund and the developer Rs. 3.50 lakhs donation to the wakf Board. Hence this matter is placed in Board meeting for discussion and decision.

Resolution No. 92/2008: -

This is a matter of redevelopment. The structure is dilapidated condition Chief Executive Officer is directed to grant permission in this matter for redevelopment as proposed.

Point no. 14. Development of Wakf properties of Wakf -Ul- Aulad Trust

Proposal :- Wakf - Ul - Aulad trust is registered with Wakf Board bearing no MSBW /2/2008 having city survey no. 168 situated at kuror village Malad (east) admeasuring 568.00 sq. mtr, a structure with 27 tenants in dilapidated state. The trustees are a women who are suffering with this poor non-income property and under

pressure and torture of the existing tenants, thus the trustees have decided to redevelop the property as the project is no viable in regular development scheme, the trust has to declare the property under slum and then the project will be viable for any developer. The trust will be benefited from the proposal of Slum Rehabilitation U/s 33(10) Of DCR. The wakf Board will be benefited with wakf fund and Donation also. Hence this matter is placed in Board meeting for discussion and decision.

Resolution No. 93/2008: -

It is resolved that Chief Executive Officer is to make the scrutiny and place report before the next meeting
Board in the

Point no. 15. Salehatte Faizul Aam Trust -

Proposal :- Salehatte Faizul Aam Trust is registered with the Wakf Board u/s 36 of the Wakf Act 1995 bearing registration no. 60/08 of dated 13.06.2008, has submitted a proposal on 22/05/08 to the Board U/s 51 of Wakf Act 1995 for sale of land admeasuring 177.5 acres situated at Taluka Uran Dist Raigad at 3 Villages Known as Harishchandra, Pimple and Vindhane as the land has been acquired under Acquisition Act for purpose of MSEZ Mumbai, Special Economic Zone (Reliance) the Govt. has acquired the land Notification and Gazette for same has been published by the Govt. press. The land is encroached by protected "KUL" the MSEZ has quoted Rs. 10/- lakh per acre, the "KUL" will part 40% with sale proceeds and 60% to the trust, alienation will not be allowed, but giving on lease will be allowed the wakf fund and Donation to be negotiated. Hence this matter is placed in Board meeting for discussion and decision.

Resolution No. 94/2008: -

It is resolved that Chief Executive Officer is to make the scrutiny and place report before the next meeting
Board

Point no. 16 Taloja Jama Masjid Trust, Taloja (Chiplun (Ratnagiri)

Proposal :- Taloja Jama Masjid Trust registered with wakf Board bearing no MSBW/ 62/2008 has applied to the Board on 26th july'08 U/s 51 of Wakf Act 1995 for sale of land bearing CTS no. 63,

66, 67,70,71,72, & 73 situated at Village Rohinjan, Dist Raigad admeasuring 269.24 Gunthas belonging to the trust, there is encroached by protected "KUL" with no income or benefit to the trust, the land has no excess, no electric supply or infrastructure to the property/land. The trust has decided to sale the land which is of no use to trust, the sale amount will be utilized for expansion of Taloja Jama Masjid as the village is dominated by 100% Muslim community and the Masjid is not accommodating the Namazi or the betterment , expansion, beautification an huge amount is required. The land is lying ideal and non-beneficial to the trust, so sale proceed of the land will help to the trust to expand the Jama Masjid Taloja, the trustee has advertised in the newspaper and one M/s. Pawar Realtors has offered Rs.6.50 Cr. as decided the trust will be get only 40% Of the sale proceed that is Rs.2.50 Cr., the trust will pay Rs. 27/- lakhs as wakf fund to the wakf Board. Sale will not be allowed but we may help them in developing on BOT basis. Hence this matter is placed in Board meeting for discussion and decision.

Resolution No. 95/2008: -

It is resolved that Chief Executive Officer is to make the scrutiny and place report before the next meeting

Board

SIYANAT SECTION -1

Point no. 17.Dargah Hazrat Peer Raje Baksar, Peerwadi (Khed) Dist. Satara.

Proposal: - The Government in Minority Development Department vide his letter no. अविवि -०८/०८प्र.क्र.८०/कार्या-२ दि.१८.०८.२००८. informed to the Board that the Honourable State Minister for Revenue on dated 09.07.2008 has passed the Judgment and granted the sale permission in respect of old (survey no 110) new survey no. 16 to extend of 4 Acre 29 Gunthas pertaining to Dargah Raje Baksar Peer at. Peerwadi (Khed) Dist. Satara and also directed to the Board to Act as per provision of the Wakf Act 1995. prior to this notices were issue on 15.02.2008 to Shri. Sayed Noor Muhamad Anwar Shah and five others and call their explanations. The Trustee presents through the Adv. Akbar A. Shaikh and heard by the then Chief Executive Officer and

directed to the Trustees to submit a plan and estimate of the expenditure out of the money so that necessary approval may be considered. Thereafter trustees submitted the plan and estimate on 17.04.2008 and order to place this matter in Board meeting. As the Board has already been granted the permission vide this office order no. MSBW/SNT-2/2004/05 of dated.29.05.2005 subject to sum terms and conditions. Hence this matter is placed in Board meeting for discussion and decision.

Resolution No. 96/2008: -

It is resolved that Chief Executive Officer is to make the scrutiny and place report before the next meeting

Board

ATIYAT SECTION:-

Point no. 18

1. Reappointment of Mr. Abdul Sattar Mujawar as Mutwalli for the Dargah Hazrat Haji Makkai, Medical College, Survey No..13 at. Kasargaon Dist. Latur.

Proposal: - Janab Abdul Sattar has been appointed as Mutwalli for the Dargah Hazrat Haji Makkai Shah at village Kasargaon Dist. Latur, vide this office order of dated. 03.01.2006 for a period of 1 year u/s 63 of the Wakf Act 1995, subject to condition that the said Mutwalli will be complied the provisions of section 46 and 72 of the said Act and he will not be contravened the provisions of the Wakf Act 1995. If he failed to do so his appointment will be cancelled. Now the period has already been expired and In Charge District Wakf Officer Latur has also recommended on dated .13.08.2008 for permanent appointment as Mutwalli. Before issue of orders we will scrutinize every document and only after confirmation of facts order will be issued. Hence the matter is kept in the Board meeting for the discussion and decision.

Resolution No. 97/2008: -

The Chief Executive Officer is directed to enquire this matter and submit the report in next meeting.

2. Application of Himayat Ali S/o Sadat Ali, for the appointment of temporary mutwalli Dargah Sadat Ali , Latur u/s 63 of the Wakf Act 1995.

Proposal:- The District Wakf officer, Latur reported vide his letter of dated 1-3-2008 that Mr. Himayat Ali s/o Sadat Ali may be appointed as temporary Mutwalli for the Dargah Sayyed Sadat at Ausa Dist. Latur u/s 63 of the Wakf Act 1995. Accordingly the proclamation was issued under Rule 27 (1) of Maharashtra Wakf Rules 2003 in news paper Latur **Samachar** published on dated 20.02.2008 for calling objection from interested persons within 7 days. But no one has filed the objections within stipulated period. Before issue of orders we will scrutinize every document and only after confirmation of facts order will be issued. Hence the matter is kept in the Board meeting for the discussion and decision.

Resolution No. 98/2008: -

The Chief Executive Officer is directed to enquire this matter and submit the report in next meeting.

3. Application of Shaikh Fakeer s/o Shaikh Ameen, for the appointment Mutwalli Dargah Panchpeer Balda Tq. Shengaon Dist. Hingoli.

Proposal :- The District wakf officer, Latur vide letter no. 176/06 of dated 05.05.2006 submitted proposal for the appointment of Mutwalli Shaikh Fakeer S/o Shaikh Ameen for the Darga Panch peer, situated at Balda TQ. Shengaon Dist. Hingoli. Accordingly a proclamation was issued u/s 27 (1) of Maharashtra Wakf Rule 2003 on dated 23.09.2006 for calling the objections within 7 days from interested persons. But no one has filed the objections in this regard. However it is pointed out that the land of said Dargah bearing survey no 111/ (Gut No. 516), is under Ek Sala Laoni and succession of the proposed Mutwalli is pending before the Atiyat Deputy Collector, Hingoli for sanction and considering the facts the applicant may be appointed as Mutwalli u/s 63 of the Wakf Act 1995. Before issue of orders we will scrutinize every document and only after confirmation of facts order will be issued. Hence the matter is kept in the Board meeting for the discussion and decision.

Resolution No. 99/2008: -

The Chief Executive Officer is directed to enquire this matter and submit the report in next meeting.

4. Application for appointment of Mutwalli of Sayed Saber Ali s/o Abed Ali, for the institution of Dargah Hazrat Khaki Shah kabrastan v/o Ausa Dist. Latur.

Proposal: - The District Wakf officer, Latur vide his letter dated 01.01.2008 submitted the proposal to the Board for appointment of Mutwalli of Sayed Saber Ali s/o Abed Ali Inamdar, of Dargah Haz. Khaki Shah, due to death of Mutwalli Mr. Sd. Taher Ali Abdul Rehman Inamdar who was appointed by the Board vide order no. 3706 of dated 22.08.1972, as the lands bearing survey no 154, 155, admeasuring 49 Acre 20 Gunthas and survey no. 126 Area 22 Acre 20 Gunthas situated at Ausa are under the possession of the applicant. Accordingly the proclamation was issued and published under Rule 27 (1) of Maharashtra Wakf Rule 2003 for calling the objection within 7 days. . Hence the matter is kept in the Board meeting for the discussion and decision

Resolution No. 100/2008: -

The Chief Executive Officer is directed to enquire this matter and submit the report in next meeting.

5. Application of the Sayed Mujeeboddin s/o khwaja Moinoddin for the appointment as temporary Mutwalli u/s 63 of the Wakf Act 1995. for Dargah Sayed Ziyauddin Rafai at. Deglure Dist.Nanded.

Proposal:- The District Wakf Officer, Nanded has recommended vide his letter of dated. 24.07.2008 to appoint Janab Mujiboddin s/o khwaja Moinoddin as temporary Mutwalli u/s 63 of the Wakf Act 1995 for the Dargah Ziyauddin Rafai, at. Deglur Dist. Nanded as is rendering the services of the Said Dargah and also for removal of encroachment over the properties of the Said Darga. Accordingly proclamation was issued by this office under Rule 27 (1) of Maharashtra Wakf Rules 2003 and published on 27.03.2007 in **Daily Sakad** Aurangabad for calling the objections within 7 days. As the Dargah has very huge landed

properties i.e. total admeasuring 236 Acre 36 Gunthas as Wakf situated at. Deglur Tq. Deglur Dist. Nanded. Some of the land is under encroachment and alienation.

After expiry of the period of calling objections one Mr. Sayed Fasiyuddin s/o Sayed. Shahaboddin who is one of the Share holder has filed an objection on 08.05.2008 and 29.08.2008. and stated that the dispute is pending before the Honourable High Court, and Court has granted the status-quo in this matter. Further stated that the Additional Collector, Nanded has also passed judgment on dated 30 / 11/ 2004 and case is remanded to the Atiyat Dy. Collector Deglur with the direction to enquire the matter in detail and decide the case after the judgment of Honourable High Court which is now pending. Hence the matter is kept in the Board meeting discussion and decision.

Resolution No. 101/2008: -

The Chief Executive Officer is directed to enquire this matter and submit the report in next meeting

6. Application of Mr. Azizullah Khan s/o Hamidullah Khan, R/o Narsih Tq. Hingoli Dist. Hingli

Proposal :- The District wakf officer, Parhbani vide his letter no 71/08 dated.04.01.2008 has submitted proposal for the appointment of temporary mutwalli of Mr. Azizullah Khan s/o Hamidullah Khan, R/o Narsih Tq. Hingoli Dist. Hingli of Masjid Takiya, and Ashoorkhana and Kabrastan, situated at Narsi Tq. & Dist. Hingoli due to the death of his father Hamidullah Khan on dated 02.05.1995. Since the demise of his father the applicant is rendering the services of said institution satisfactorily. Applicant has also stated that he has 8 brothers and given their consent in his favour. Accordingly after receipt of the proposal proclamation was issued in **Daily Sakad** u/r 27 (1) the Maharashtra rule 2003 for the calling the objections from interested persons within 7 days. But no objection was received within stipulated period. Hence the matter is kept in the Board meeting for the discussion and decision.

Resolution No. 102/2008: -

The Chief Executive Officer is directed to enquire this matter and submit the report in next meeting

7. Application of Mr. Abdul Jameel s/o Abdul karemm R/o Daultabad for reappointment of temporary Mutwalli u/s 63 of the Wakf Act 1995.

Proposal :- Mr. F. M. Khan, president, Maharashtra Muslim Vikas Parishad, R/o Beed has brought to the notice of the Board along with the orders of the appointment of Mutwalliship and requested to appoint him as Mutwalli. Abdul Jameel s/o Abdul Kareem has appointed as Mutwalli by the Board vide order no MSBW/Atiyat-118/451/06 of dated 04.01.2006 for a period of 1 year for the Dargah Sayed Sadat Daultabad, u/s 63 of the Wakf Act 1995, subject to condition that his appointment is done with the confirmation of the Honourable Chairman, Wakf Board. As the applicant is rendering the services of the said Dargah. Before issue of orders we will scrutinize every document and only after confirmation of facts order will be issued. Hence matter is kept in Board meeting for discussion and decision.

Resolution No. 103/2008: -

The Chief Executive Officer is directed to enquire this matter and submit the report in next meeting

8 Application of Shaikh Bahoddin s/o Qutuboddin Diwani Inamdar, for the appointment of temporary Mutwalli u/s 63 of the Wakf Act 1995 for the Dargah Hazrat Abdul Rasool and kabrastan situated in survey no. 243 at Osmanabad.

Proposal :- The District Wakf Officer, Osmanabad has reported vide his letter no. 1051/2007 of dated.11.12.2007 that the Dargah Hazrat Abdul Rasool and kabrastan situated in survey no 243 Tarkund Area at Osmanabad is published in Government Gazette at serial no. 99 Part. A of dated 27.03.1980 Tq. Osmanabad as the lands of said Dargah bearing survey no. 745 area (6 Acre 34 Gunthas, Survey no. 747, Area 3 acre 05 Gunthas and Survey no. 749 area (3 Acre) has not been published in the Gazette. However, these lands shown in Muntaqab No. 7449 / 1298 Hijri and name of the other persons has been mutated in occupant column of the 7/12. Further stated that one Mr. Maruti is also brought on revenue record since form 1954-55 as tenants. Which is also shown in Khasra and pahani Patrak. And also stated that Mr. Bahuddin s/o Qutboddin Diwane is the ancestral Mutwalli and requested to the Board that he may be appointed as a Mutwalli and after

appointment of Mutwalli the action will be initiated against them for the protection and safe guard of the Wakf Properties. Before issue of orders we will scrutinize every document and only after confirmation of facts order will be issued. Hence matter is kept in Board meeting for discussion and decision.

Resolution No. 104/2008: -

The Chief Executive Officer is directed to enquire this matter and submit the report in next meeting

9 Application of the Mr. Mohd. Khaled s/o Mohd. Taher Ansari for the appointment of Mutwalli of the Dargah Sher Ali Baba at Parbhani u/s 63 of the Wakf Act 1995.

Proposal: - The District Wakf officer, Parhbani vide his letter no. 366/06 of dated 18.08.2006 submitted the proposal that Mr. Mohd. Khaled s/o Mohd. Taher Ansari, has given an application for the appointment of the mutwalli in place of his father due to old age and unable to service of the said Dargah. As the institution is published in the Government Gazette at serial .No. 15 on dated 02.05.1974 situated in survey no. 634 admeasuring 10 Acre 10 Gunthas and whole area is under encroachment of municipality and now only a plot 200x90 feet around the Dargah is available for this intuitions. Accordingly the proclamation was published under rule 27(1) of Maharashtra Wakf Rule 2003 in the Daily News paper **"Deep Prabha"** Parbhani on dated 28.02.2008. No objections received so far. Applicant has also credited the wakf fund of Rs. 1000.00 on 30.08.2006. and the then Mutwali Mohd. Taher has also given authorization to work on behalf of him in any other offices on dated 01.08.2006. Hence the matter is kept in Board meeting for discussion and decision.

Resolution No. 105/2008: -

The Chief Executive Officer is directed to enquire this matter and submit the report in next meeting

10 Application of Mr. Mir Muzaffar Ali S/o Mir Mujtaba Ali, Mutwalli for appointment of Mutwalli of the institution Jama Masjid and Idgah, Ausa, u/s 63 wakf Act 1995.

Proposal:- The District wakf officer, Latur has submitted a proposal vide his letter no. 425 / 07 of dated 03.11.07 for the appointment of Mutwalli for the Institution of Jama Masjid and Idgah, Ausa Dist. Latur. The said institution is published in Government Gazette on dated 17.04.1980 part A Serial No. **46, 47** and the said institution is having a very huge wakf lands bearing survey 236,237,238,329,330,331, & 331. Accordingly the proclamation was published under rule 27 (1) of Maharashtra Wakf Rule 2003 in the Daily News paper "**Guru Dahrm**" Ausa on dated 13.02.2008. No objection was received within time. Before issue of orders we will scrutinize every document and only after confirmation of facts order will be issued. Hence matter is kept in Board meeting for discussion and decision.

Resolution No. 106/2008: -

The Chief Executive Officer is directed to enquire this matter and submit the report in next meeting

11. Application of Mr. Mirza Rafat Baig R/o Cantonment Aurangabad for the reappointment of temporary Mutwalli of Dargah Habib Idrus, situated in CTS. No. 940 Tq/ Vaijapur Dist. Aurangabad.

Proposal:- Mirza Rafatulla Baig has been appointed as temporary mutwalli vide this office no MSBW/Atiyat-145/5126/2006 of dated 24.08.2006 u/s 63 of the Wakf Act 1995 for the Dargah Habib Idrus, situated in CTS. No. 940 Tq. Vaijapur Dist. Aurangabad for a period of 1 year subject to the condition that he submit budget account and not to allot any piece of land to any persons without prior permission of the Board. And wakf fund should be paid u/s 72 of the Wakf Act 1995. Now the period is expired of his Mutwalliship and requested to the Board on 11-12-2007 to extend his period of Mutwalli as he has filed the case against encroachers in the Tribunal. Before issue of orders we will scrutinize every document and only after confirmation of facts order will be issued. Hence matter is kept in Board meeting for discussion and decision.

Resolution No. 107/2008: -

The Chief Executive Officer is directed to enquire this matter and submit the report in next meeting

SIYANAT SECTION -2

Point no. 19.

1. **Regularization and allotment of land to the encroachers over the wakf properties bearing survey no 508, 509 at Jalna pertaining to Kali Masjid, Jalna.**

Proposal:- The District Wakf Officer, Jalna vide his letter no 597/08 of dated 27.10.2008 has submitted a proposal to the Board that the list of 88 persons over the wakf land survey no. 508, 509 which is under supervision of the Board as arrears and proposed rent and donation of an amount in 3 installment for the regularization of the same.

After keen consideration and in the interest of the wakf Institution it has been decided to regularize the encroachers by allotting the occupied area by them on the following terms and condition.

I The encroachers should pay monthly rent @ Rs.2.00 per sq. feet. per month for 11 months only.

II The encroachers should pay @ Rs 0.50 per sq. feet for past ten years as donation to the Board in 3 equal installments.

The encroacher should execute rent deed on stamp paper of Rs. 100.00.

The Distinct Wakf officer, Jalna is directed to recover the rent in advance as per enclosed list. And compliance be reported to the Board.

2. **Calling Tender for Vehicle parking in land survey no. 508 of kali Masjid Jalna.**

Proposal :- After taking over the possession of the land bearing survey no. 508 of Kali Masjid Jalna Tender was called by publishing in the new Papers of **Lokmat** of dated 02.02.2008 to the extent of 5 acres. Accordingly 13 tenders were received out of which highest tender named Shaikh Vaseem r/o Jalna submit a tender of Rs. 1000786.00 and the tender was accepted and order of dated 27.02.2008 was issued to him subject to condition that the tenderer is to be deposited 50% of the bit cost amounting to Rs. 500393.00 in the name of Maharashtra State Board of Wakfs within 3 days and to enter an agreement on stamp paper of Rs. 100.,but Shaikh Vaseem has refuse to comply this orders

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and requested to the Board on 04.03.2008 to cancel his accepted tender.

Thereafter second tenderer Mrs. Parvin Begam w/o Abdul Rasheed r/o Jalna was accepted and ordered on 11.03.2008 of Rs. 800786.00 who is second highest has been accepted by this office subject to same condition. Accordingly she has paid 2.25 Lakhs on 12.03.2008 and 200786.00 Lakh on 30.11.2008 and post dated cheques of remaining amount obtained from her. Hence the matter is kept in Board meeting for confirmation.

Resolution No. 108/2008: -

It is resolved that the action taken by Chief Executive Officer (point No. 19(1& 2)) as proposed is Confirmed

ESTABLISHEMTN SECTION

Point No. 20.

I. **Recruitment of staff for the Maharashtra Sate Board of Wakfs throughout the Maharashtra.**

Proposal:- The Board in his meeting held on 30.11.2005 decided to appoint the 20 posts of District Wakf Officer, 20 posts of Clerk and 20 posts of the peon on contract basis by calling open advertisement in news paper of the post at the District level throughout the Maharashtra. Accordingly an advertisement was given in Local papers Aurangabad, Mumbai, Pune, Kolhapur, Nasik, Jalgaon, Amrawati, Sholapur, Yawatmal and written examination was also taken on 05.03.2006. But the Government in Revenue and Forest Department vide his letter no APT-10 / 2006 / CR.38/L-3 of dated / / directed to the Chief Executive Officer to the Board that recruitment process it to be negotiated with the Government as an its administrative officer as Chief Executive Officer has not obtained the prior approval of the Government and who will be the responsible as administrative officer since then further process has been stopped.

Further it is pointed out that the then Chief Executive Officer vide his letter of dated 30.12.2006 has submitted the detail proposal of staffing pattern for the posts of 232 to the Government for the Head Office of the Board , Regional Office, and at District level also. The Board has consulted with the Government several times as is required u/s 24 of the Wakf Act 1995 as the huge work is to be loaded upon the old

staff and day to day work is going to be increased and this existing staff is unable to carryout this work load which requires to be recruited. Otherwise the Board will be unable to protect and safe guard of the wakf properties and also will not be able to control and superintendence of the wakf institutions and its properties. Hence the matter is kept in the Board meeting for discussion and decision.

Resolution No. 109/2008: -

It is resolved that Chief Executive Officer to take proper action with the consultation of Adv. A. U. Pathan, Member of the Board.

II. Increase of Honorarium to Shaikh Abdul Jaleel Moazan, Masjid Panchakki, Aurangabad.

Proposal:- Janab Shaikh Abdul Jaleel, Moazan of Masjid Panchakki, Aurangabad has been entrusted the additional work of old library in the office of the Board Panchakki, to take care and open for the visitors and Honorarium of Rs. 500.00 is being paid to him. Now Janab Shaikh Abdul Jaleel, Maozan of Masjid Panchakki, applied to the Board on 23.09.2008 to increase his honorarium as he is working in the library satisfactorily.

Resolution No. 110/2008

It is resolved that honorarium of Rs. 500/- be increased forthwith.

III. Appointment of Shaikh Mohd. Imran S/o Mohd. Ibrahim, R/o Aurangabad as Computer Operator in the office of the Board.

In the local news paper of Aurangabad times the advertisement was given on 12.03.2008 for the appointment of computer typist Mr. Shaikh Mohd. Imran s/o Mohd Ibrahim has also been selected for computer typist. Now he has given application on 31.10.2008 to appoint him as computer operator on contract basis. Hence matter is kept in Board meeting for discussion and decision.

Resolution No. 111/2008

It is resolved that Shaikh Mohammed Imran s/o Mohammed Ibrahim is appointed as computer operator as

proposed on contract basis @Rs. 5000/- per month for a period of one year.

IV. Departmental Enquiry initiated against the employees of the Wakf Board.

The then Chief Executive Officer has initiated the Departmental Enquiries against the wakf Board employees under the provision of the Maharashtra Civil Services (Discipline and appeals) Rules 1979 due to disobedience of the transfer orders, misappropriation, and irregularities made by 10 employees of the Board including officers and clerks. Enquiry officer has been appointed for enquiring in to the Charge Sheets given to them and the enquiry officer has submitted the detail report to the Board after conducting enquiry as per law. Since then these enquiries are pending for finalization. In view of this Chief Executive Officer may be authorized to scrutinize and decide these pending matters. Hence this matter is kept in the Board meeting for discussion and decision.

Resolution No. 112/2008

Deferred

Following subject have been taken with the permission of the Chair after conclusion of all the points of agenda

MISC SECTION:-

Proposal:-1) Janaba Mumtaz Siddiqui, Mutwaliya, Mahemooda Shikashan and Mahila Gramin Vikas Bahuudeshiya Wakf Sanstha Nagpur, has submitted application on 17-10-2008 for recommendation of loan to extent of Rs. 1 Crore 50 lakhs from CWC New Delhi for construction of polytechnic building of S. No. 25/1 Ph. 12 Mouza Lonara Dist Nagpur

Resolution No. 113/2008

It is resolved that the proposal is sanctioned and it may be sent to CWC through State Government for loan.

SIYANAT SECTION-1:-

Proposal: -1) Antalia Commercial Pvt Ltd

In this matter, there is a direction from Hon'ble Supreme Court, in SLP no. directing the Wakf Board to move to the Hon;ble High Court Bombay for vacating the stay given by the Bombay High Court against the proceeding of the Chief Executive Officer under section 52.

The main issue involved in this matter is whether the institution, Currimbhoy Ibrahim Khoja Orphanage is charitable institution or Wakf institution. This institution has filed a writ petition in Bombay High Court for declaration that this institution is charitable institution therefore not governed by Wakf Act, 1995 the Wakf Board has filed its say in the said writ petition and the same is pending for final decision.

The Wakf Board is of the opinion that though the Chief Justice of Bombay High Court has clubbed together all Wakf matters before its Bench, at Bombay, all these matters are adjourned for one or other reasons. Therefore Wakf Board has decided to seek the opinion of the Advocate General of State of Maharashtra and the Ex-Chief Justice of India Mr. Justice Ahmadi, whether the institution is Wakf or Trust, so that it will be easy for Wakf Board to take proper decision in this matter. Hence, matter be considered in this meeting.

Resolution No. 114/2008

It is resolved that for the proper directions and steps to be taken in this matter, and opinion be sought as proposed. If possible, a meeting be arranged with Ex- Chief Justice Mr. Justice Ahmadi with all Board members and Chief Executive Officer along with all documents to discuss this issue in person.

STORE SECTION

1) Printing of Marriage forms (Siyahnama)

Proposal:- Maharashtra State Board of Wakfs in his resolution No. 34/2008 dated 03/04/2008 resolved that the system of issuing the Qazat Forms and registering the Marriages prevailing in Marathwada should be extended to the entire State and Qari-Un-Nikah may be appointed by the Chief Executive Officer after completion of due procedure and checking all the require information. Accordingly the Board is going to be prepared the Model of Siyahnama in Urdu and English languages as at present the Siyahnama is in Urdu

language only. The quantity of the said Marriage form for the entire state is required 5000/- sets in the first instance. Now the Board is selling one set @Rs. 300/- to the Quazi and @Rs. 375/- to the Nayab Quazi and Qari-un-Nikah and each set containing 10 Marriage (Siyahnama) forms. For the printing of 5000/- sets the proposed printing charges are of required approximately Rs. 3.00 lakh When we are selling these marriage forms the Board will be benefited @Rs. 15.00 lakh near about. For this process an advertisement for calling tenders from the interested and license holder may be called by giving in local and well circulated new papers of the Maharashtra State.

Resolution No. 115/2008

It is resolved that the preparation and printing of Marriage (Siyahnama) for providing through the State as proposed is approved.

ESTABLISHEMENT SECTION:-

1) Delegation of powers to the

Proposal: - Delegation of powers to the Assistant Chief Executive Officer at the Regional places of Maharashtra State under section 27 of the Wakf Act 1995.

In the meeting dated 4/11/2007 and 06-10-2008 it was resolved to establish and Offices of Assistant Chief Executive Officer at 6 Revenue Divisions. Because the work load of Head office is tremendously increased causing heavy work of Chief Executive Officer of the Maharashtra State Board of Wakfs.

Resolution No. 116/2008

Therefore it is resolved that the Regional Offices to establish at the earliest by delegating certain powers to Assistant Chief Executive Officer, especially under section 18, 36, 41, 70, 71, and power under section 32 except 32 (j). of the Wakf Act 1995.

2) Reinstate of Anwar Siddi, Jr. Clerk, under suspension

Proposal: - Siddi Anwar Hussain, Jr. Clerk was transferred at Regional Wakf Office Pune on deputation vide order no. MSBW/EST-

69/16630/2007 of dated 02/01/2008 and directed to Wakf Officer Aurangabad to relieve him before 5/01/2008 a.n. and also directed to join on assigned post on 07/01/2008. Accordingly District Wakf Officer relieved him on 05/01/2008 a.n. A showcause notice was issued on 23/01/2008 due to non compliance of the order of dated 02/01/2008. Against this order Mr. Siddi Anwar Hussain filed a complaint (ULP) No. 33/2008 against this order before the Hon'ble Member, Industrial Tribunal Aurangabad and same was rejected on 5/4/2008 and directed to join the duty. Accordingly he joined on 11-04-2008 Further he has been placed under suspension vide this office order of dated 28/04/2008 and fixed the head quarter at Pune and chargesheet was issued under Rule 8 of Maharashtra Civil Services (Discipline and Appeal) Rule 1979 to him on dated 22 /02/2008 and delinquent Mr. Anwar Siddi given his reply on 07/03/2008.

Further a departmental enquiry was conducted against him by appointing Departmental Enquiry Officer and Departmental Enquiry officer has issued notice of hearing on 24/03/2008 and served upon him on dated 28/3/2008 and directed to remain present before the Departmental Enquiry Officer on 31/03/2008 at 11:00 am in the office of the Board. Accordingly Mr. Siddi Anwar attended on 31/03/2008 and signed on note sheet. And the said matter has been kept for hearing on 5/4/2008. But Mr. Siddi Awar remain absent on 5/4/2008 and 15/4/2008 for hearing before the Departmental Enquiry Officer.

The Departmental Enquiry Officer has submitted his report on 24/4/2008 to the Board and came to conclusion that Mr. Anwar Siddi remain absent before him and hence the charges no. 1 and 2 as per charge sheet against him is totally proved. Hence the matter is kept in Board meeting for discussion and decision.

Resolution No. 117/2008

It is resolved that Mr. Siddi Anwar Hussain is hereby reinstated by revoking suspension order and by with holding two annual increments permanently and his suspension period will be treated as suspension. And order of transfer dated 02/01/2008 to remain as it is.

Point No. 3:- Appointment of an Accounts Officer on deputation.

Proposal:- In the last meeting of Board of 6th Oct 2008 We had appointed S. A. Samad, Rtd Accounts Officer on contract basis, but till today he did not join. As the work of Finance and Accounts is being hampered, we may write to the Government for appointing Accounts Officer on deputation from Finance Department Janab Shaikh Mohammed Shafi Mohammed Sardar, is an Accounts Officer who is an experienced Officer and has work in Local Fund Audit Department he has also Audited the Accounts of Wakf Board for many years. He has agreed and gave willingness for appointment on deputation to Wakf Board. Accordingly proposal may be send by the Chief Executive Officer to the Government. Hence matter submitted for discussion and decision.

Resolution No. 118/2008

; **It is resolved that the Chief Executive Officer should submit a proposal of deputation of Janab Shaikh Mohammed Shafi Mohammed Sardar, to the Finance Department through Secretary Minority Development Department. And see that the posting is done early.**

CONSTRUCTION SECTION

Point No. 1) Renovation of old existing Sarai in the premises of Dargah Hazrat Turabul Haque Parbhani.

Proposal: - The roof of the Old Sarai in the premises of Dargah Hazrat Turabul Haque is in dilapidated condition and the wall plaster of said Sarai is also weakened further a tinshed is to be erected in the Verandah of Sarai and white wash and colour wash for the complete building is also required. For this work an estimated cost comes to Rs. 476465.00 prepared by Overseer. As the said Institution is under direct control of the Wakf Board. It is pointed out that the Urs of said Dargah falls on 1st Feb -2009. Therefore this work is to be started immediately by calling vide publicized tenders from the registered contractor by giving wide publicity in local news papers.

Resolution No. 119/2008

It is resolved that the Chief Executive Officer is authorized to call the tenders from registered contractor by giving wide publicity in local news papers and carryout the renovation work before starting the Urs.

Point No.: -2) Reconstruction of Urinals and Toilet blocks in the premises of Panchakki Aurangabad.

Proposal :- The Urinals and toilet block in the premises Panchakki situated behind the shops is not in a good condition which requires to be dismantled forthwith and carryout the reconstruction work as the Tourist, Visitors and devotees are visiting to the Panchakki in large number and increasing day to day also. Therefore it is proposed to reconstruct the Urinals and Toilet blocks for ladies and gents separately for which cost comes to Rs. 111371.00. as per estimate prepared by Wakf Board Engineer. This work is to be carried out by calling tenders from registered contractor by giving wide publicity in local news papers.

Resolution No. 120/2008

It is resolved that the Chief Executive Officer is authorized to call the tenders from registered contractor by giving vide publicity in local news papers and carryout the reconstruction of said Urinals and Toilet blocks for ladies and gents.

(Shah Tarique Anwar)
Member
Maharashtra State Board of Wakfs

Adv. A. U. Pathan
Member
Maharashtra State Board of Wakfs

(S. S. Ali Quadri)
Chief Executive officer
Maharashtra State Board of Wakfs
Aurangabad.