



**Minutes of the of Maharashtra State Board of Wakfs, Meeting Dated
26/7/2009. at 5.00 p.m. Sahyadri guest house, Mumbai.**

In the last one year the Maharashtra State Board of Wakfs,
Aurangabad achievements has achieved many important item in

i) Increase in Revenue

This year the Board could get the Revenue in Crores. The details are as below.

Wakf Fund Rs.28222422(two crores eighty two lakhs twenty two thousands four hundred and twenty two) .This is inclusive of Rs. One crore received as donation from a Trustee for Development. This one crore will be used for construction of shopping complex at Shahnour Miyan Dargah Aurangabad whereas last year the income was Rs 18676356/- (rs one crore eighty six lakhs seventy six thousands three hundred and fifty six only) out of which rs one crore were received from charity commissioner. There is an increase more than three times.

Institution Fund Rs. 15393366 (one crore fifty three lakhs nin cty three thousands three hundred and sixty six only). This Revenue is nearly double the Revenue received last year which was Rs. 9819141/-The income and expenditure account is submitted to the Board for approval.

ii) Computerization of the office Work

a) With the prior sanction of the Board and donations from many institution we could start with computerization and complete registration section in all respects. With this computerization the speed of registration has immensely increased. Previously we used to register 40 to 50 cases per month by hand. After computerization we register 250 to 300 per month. The sample of document is enclosed for your perusal. With the help of this

computerization one can know the number of institution in every /any village/taluka/district of Maharashtra. So also there are many facilities of deriving various kinds of information. Computerization of other branches such as enquiry cases audit, accounts is under progress. Very soon entire Wakf Board office work will be fully computerized and made web enabled. By this facility any body can login and see the progress of their work registration enquiry etc. Regional and District Wakf Officer can login and feed their data. So also they can retrieve information as required.

- b) Website:- We have launched an independent website by the address www.mahawakf.com . we could give all necessary information and required data on the website. In addition to the we also putting up the Gazette of all the State duly scanned. So also Minutes of Board meeting right from inception of the Board are made available on the website.
- c) Marriage forms (siyanama) as per the qazat act and as per the govt of Maharashtra's orders record of marriage siyanamas is kept in this office. Blank siyanamas are issued to the qazis, qariunnikahs appointed by the government. These siyanamas are revised in a new format as enclosed. These are in urdu and English alongwith provision of photographs of bride and bridegroom. The demand of these forms has increased. Now we want to issue these forms throughout the state a proposal is submitted to the govt accordingly.

iii) Eviction of properties encroached by illegal encroachers

The government of Maharashtra has given special powers to the Chief Executive Officer of the Maharashtra State Board of Wakfs regarding eviction under the Bombay Eviction Act. With the help of these powers we could retrieve / achieve many properties which were encroached since last 50 to 60 years. The properties are as below.

- i) Dhorkin Tq. Paithan Dist Aurangabad 23 hectaress
- ii) Dargah at Achalpur Dist Amravati 4 shops
- iii) Masjid at Amravati at Achalpur Dist Amravati 5 acres
- iv) Masjid at Umerga Chivdi Tq. Tuljapur Dist Osmanabad 150 acres



- v) Darga at Chinchoti Vasai, Tq. Vasai Dist Thane 7 acres
vi) Chikalhana Aurangabad 25 acres

So also we have issued notices under 55 of the Wakf Act 1995 in the following cases which will be retrieved very soon

iv) Taking over of Wakf properties which have no Mutawalli/Committee

Mehdi Bagh Nagpur which has not Mutawalli or administrative institution needs to be taken under direct control of Board. The properties which are to be taken under direct control are as follows.

- i) Mohsin building Sadar, Nagpur
- ii) Fiza building , Sitabardi, Nagpur
- iii) Malak Gujrati School Nagpur
- iv) 360 Acres of Agricultural land in Umred Dist Nagpur
- v) Other buildings and premises in Nagpur and other parts of the country.

By taking over these property and giving them on rent will fetch the Wakf Board lacs of rupees as revenue. The rent /lease will be given as per procedure such as tendering etc. the lease will be for 3 years and will be continued if the Board desires.

वक्फ अधिनियम १९९५ चे कलम ५४ व ५५ नुसार वक्फांच्या मिळकतीवरील अतिक्रमणासंबंधी तसेच कलम ४२ प्रमाणे वक्फांच्या व्यवस्थापनासंबंधी व वक्फांच्या गैरव्यवहार व बेकायदेशिर व्यवस्थापना संबंधी कलम ७० अन्वये चालू असलेल्या व निर्णय घेण्यांत आलेले प्रकरणांचा तपशील.

वक्फ मंडळाकडे अत्यल्प कर्मचारी वर्ग असून त्यांच्यातूनच वक्फ मिळकतीचे संरक्षण व वक्फ मिळकतीवरील झालेल्या अतिक्रमणा संबंधी चालू असलेल्या व वक्फ मिळकतीत परत वक्फाकडे आणण्याचा प्रयत्न करण्यांत येत आहे. सध्या खालील प्रमाणे वक्फ संस्थेच्या मिळकतीत वक्फ मंडळाच्या ताब्यात घेऊन त्याची लावणी करण्यांत आली. तसेच अधिकृत मुतवल्लींच्या ताब्यात देण्यांत आलेली आहे.

१.	दर्गा हजरत बु-हाणोद्दीन रहे. खुलदाबाद.	२३ हेक्टर
२.	दर्गा हजरत महंमद साहाब, चिचोटी पाटा, वसई.	७ एकर
३.	जामा मरजीद उमरगा चिवरी ता. तुळजापूर जि. उस्मानाबाद.	१५० एकर
४.	तकीया मंजुरपुरा, अचलपूर जि. अमरावती.	४ दुकाने
५.	थडी की मरजीद, अचलपूर जि. अमरावती.	५ एकर
६.	दर्गा बाबाशाह मुसाफीर रहे. औरंगाबाद चिकलठाणाण मिळकत	२५ एकर

तसेच कलम ५५ अन्वये खालील प्रमाणे वक्फांची मिळकत वक्फाकडे घेण्याचा प्रयत्न करण्यांत येत आहे .



अ.क्र.	संस्थेचे नांव	स.नं/क्षेत्र
१.	दर्गा बु-हाणोदीन औलिया, खुलदाबाद जि. औरंगाबाद.	२३ हेक्टर
२.	मस्जीद कब्रस्तान बारादरी, बीड.	सी.टी.एस.क्र. २४७०.
३.	दर्गा अब्दुल्लाह शाह दर्वेश भंडारीबाबा मिरज	स नं. १५५/२, सी.टी.एस.क्र ५८२८.
४.	दर्गा बाबाशाह मुसाफिर रहे. पनचक्की, औरंगाबाद.	सा.नं. ८६/८७
५.	मस्जीद महेबूबशाही, परभणी.	१३ एकर स.नं. ८६
६.	मस्जीद करंजी कोपरगाव जि. अहमदनगर.	स.नं. १३९, ३३६, ३३०, ३७५, ३२७, ३२६, ३७८, ३७९.
७.	दर्गा खैरातीपीर बनवडी ता. कराड जि. सातारा.	स.नं. २७
८.	मेमन मस्जीद टंडेल मोहल्ला भिवंडी जि. ठाणे.	घर क्र. ७, भिवंडी
९.	दर्गा हजरत पीर महंमद सहाब चिंचोटी नाका वसई जि. ठाणा.	स नं. २३७, २४३,
१०.	दर्गा शमनामिरा करवडी ता. कराड जि. सातारा..	स.नं. २९४/४
११.	दर्गा हजरत सय्यद मिरा हुसैनी जहांगीर मों, दर्गा चैतनशाह रहेमतपूर कोरेगाव ता. कराड जि. सातारा.	स.नं. ९०६
१२.	जुम्मा मस्जीद, बॉम्बे.	घर क्र. २२३.
१३.	खामतलाव मस्जीद, भंडारा	सी.टी.एस.क्र २६८.
१४.	जामा मस्जीद उमरगा (चि) ता. तुळजापूर, जि. उस्मानाबाद.	स.नं. ९१ ते ९७ १५० एकर.
१५.	जामा मस्जीद नवायत ट्रस्ट नाला सोपारा ता. वसई जि. ठाणे.	स.नं. २३७
१६.	मस्जीद राजापूर, ता. संगमनेर जि. अहमदनगर.	स.नं. २३५
१७.	छोटी मस्जीद, चंद्रपूर.	दुकान क्र. ३ व ४.



१८.	नागोरी मुस्लीम मिसगार जमात चांदवड जि. नाशिक.	दोन दुकाने.
१९.	नांदकर मस्जिद, भिवंडी	स.नं. ३९,२३,१७,२१,२९
२०.	पीर कमर अली दर्गा पनवेल जि. रायगड.	स.नं. ५७.
२१	अंजुमन तंजीमुल मुस्लेमीन तळेगाव दरसार जि. अमरावती	गट क्र. ३२.
२२.	मस्जिद हुसैनशाह आकोट जि. अकोला.	स नं. ४०,३८०,१११
२३.	बागवान मस्जिद, सातारा.	सी.टी.एस.क्र ३९७
२३.	जुम्मा मस्जिद सावुनपुरा जि. अमरावती.	सी.टी.एस.क्र ७६.
२४.	थोरली मस्जिद, कोल्हापूर.	सी.टी.एस.क्र १७८.
२५.	दर्गा बब्बनशाह पीर नाला सोपारा ता. वसई जि. ठाणे.	
२६.	दर्गा नालपीर ऊर्फ गारपीर कराड.	स.नं. ३१२.
२७	दर्गा चांद खा खिर्डी ता. श्रीरामपूर जि. अहमदनगर.	गट.नं. ९.
२८.	थडी की मस्जिद अचलपूर जि. अमरावती.	स.नं. ७.
२९.	तकीया मंजूरपुरा अचलपूर जि. अमरावती.	चार दुकाने.

याशिवाय कलम ५४ अन्वये ८९ केसेस चालू असून सुनावणी सुरु आहे. तसेच कलम ५१ अन्वये १० केसेस सुरु असून कलम ७० अन्वये २४ प्रकरणांत सुनावणी सुरु आहे. याशिवाय कलम ६३ व ६४ नुसार २१ प्रकरणांत सुनावणी सुरु असून त्या लवकरच निर्णय घेण्यात येत आहे. वक्फ अधिनियम १९९५ चे कलम ४२ नुसार २००६ मधील १०२ प्रकरणे, २००८ मध्ये १९३ प्रकरणे, २००९ मध्ये दि.२४.०७.२००९ पर्यंत १५० प्रकरणे दाखल झालेली असून त्यापैकी ६०% प्रकरणे निकाली काढण्यांत आलेली आहे उर्वरित प्रकरणात सुनावणी सुरु असून काही प्रकरणांत हिशोब दाखल न केल्यामुळे व कागदपत्र अपुरे असल्या कारणाने प्रलंबीत आहे.

v) Development of Wakf properties

As per the Board's resolution NOC's have been issued for development and donation /Wakf fund received accordingly.

vi) Receiving record from Charity Commissioner



As all the records under 'B' of the Charity Commissioner still with them, after constant persuasion and meeting taken with the Secretary of Minority Development Department and Law and Judiciary Department. Now the Charity Commissioner has agreed to give record. After letter is received from the Government that the record of all the institution under the 'B' category should be handed over to Maharashtra State Board of Wakfs . They have started to give copies of schedule I of all the 'B' category institution of Mumbai.

POINT NO. 1. To Grant leave of absence if any

Resolution no. 1/2009:- There is no one absent in this meeting

POINT NO. 2. Confirmation of the meeting on dated 21-11-2008.
Draft meeting of Board dated 21-11-2008 has been circulated and the same may be approved.

Resolution no. 2/2009:- It is unanimously resolved that the minutes dated 21-11-2008 is hereby confirmed.

ESTABLISHMENT SECTION:-

POINT NO. 3

(i) Release of Gratuity & implementation of Pension, Family Pension & other facilities as per Wakf Rules 2003, Wakf Regulations 2003 & M.C.S.R. to Employees of Wakf Board on retirement:-

Some of the Employees after their Retirement, Gratuity has not been paid to them as yet, which needs to be paid now, their detail is as under. Hence the matter is placed before the Board for discussion and decision. Some of these employees are involved in serious irregularities and suspected misappropriations. The Chief Executive Officer , will analyse and decide the payment to be made or not and get the same confirmed in the next meeting:-

- a) **Janab Wadood Ahmed Khan Wakf Officer Nanded.**
- b) **Janab Gulam Rabbani Peon D.W.O. Nanded.**
- c) **Late Mohammed Iliyas Clerk D.W.O. Jalna.**
- d) **Janab Nooroddin Peon D.W.O. Jalna.**
- e) **Late Janab M. A. Gaffar s/o M.A Rahman clerk, Head office , Aurangabad.**

Resolution no. 3/2009:- It is hereby resolved and approved to release the gratuity S.

(ii) Payment of Medical Reimbursement to Board Employees.

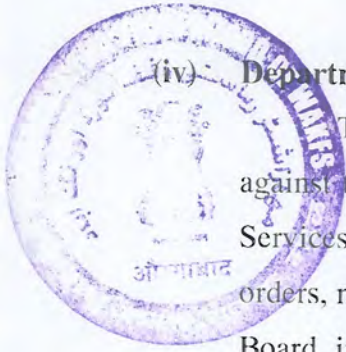
The Employees of the Maharashtra State Board of Wakfs Aurangabad are governed and work under M.C.S.R. and other Rules also. The Government Servants are eligible to receive payment of Medical Reimbursement as per terms and condition of the services as enumerated in the M.C.S.R. and this Rules is also applicable to the Board Employees as per Maharashtra Wakf Regulations 2003. Therefore, the payment of Medical Reimbursement needs to be given to the Board Employees as per the Maharashtra Wakf Regulations 2003. **The facility will be made available to the employees provided they take efforts to collect revenue.** This facility is possible only if sufficient revenue is collected by the employees responsible for the collection. Hence the matter is placed before the Board for discussion and decision.

Resolution no. 4/2009:- It is hereby resolved and approved to release the gratuity.

(iii) Grant of 6th pay commission to the employee of the Wakf Board.

The Maharashtra State Board of Wakfs Aurangabad vide its resolution no. dated. 21/11/08 has resolved and sanctioned the 2 advance basics of 6th pay commission as per Govt. resolution of dated 06/10/2008. Now the Govt. of Maharashtra vide its GR no. महाराष्ट्र शासन, वित्त विभाग क्र. येपुर-१२०९/प्र.क्र./२०/सेवा-९ दि. २७/०२/२००९ has accorded the sanction of 6th pay commission to the Govt. employees subject to some terms and conditions. In view of this employees of the Maharashtra State Board of Wakfs may also be paid revised salary as per the Government Resolution of the Government of Maharashtra.

Resolution no. 5/2009:- It is hereby resolved and approved to grant 6th pay commission as per government resolution.



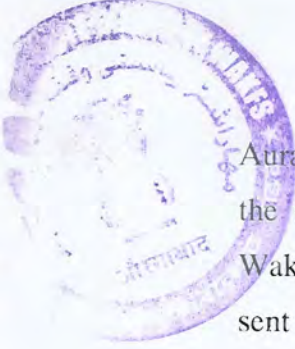
(iv) **Departmental Enquiry initiated against the employees of the Wakf Board**

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 some of the employees of the Board including officers and clerks. Enquiry officer has been appointed for enquiring in to the matter and as per Charge Sheets given to them and the enquiry officer has submitted the detail report to the Board after conducting enquiry as per procedure. 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. 6/2009:- It is hereby resolved to conduct departmental enquiry and matter be submit in the next meeting.

(v) **Disciplinary action to be taken in respect of Mohd. Muzaffar Siddiqui Ex. Secretary, Marathwada Wakf Board, Aurangabad and now Accounts Superintendent Maharashtra State Board of Wakfs, Aurangabad.**

Mr. Muzaffar Siddiqui (Ex Secretary, Marathwada Wakf Board Aurangabad) of the erstwhile Marathwada Wakf Board, Aurangabad was placed under suspension to due to serious irregularities committed by him. He was place under suspension as per the board's resolution no. 42 of dated 18/10/01 and as per order no.1429 of dated 20/10/01 as per the direction of the Government in Revenue and Forest Department vide its letter no.Wakf/10/2001/PK-1/L-3 of dated 29/02/01. Against this order Muzaffar Siddiqui filed writ petition no.3371/02 before the Honourable High Court Bench, Aurangabad and the Court after hearing directed the Divisional Commissioner, Aurangabad on 2/6/2003 to submit the enquiry report within 4 months.. In the meanwhile the Divisional Commissioner, Aurangabad appointed Additional Commissioner as enquiry officer in this matter. Accordingly the Deputy Commissioner (Shri Dilip Shinde) vide its Letter no. 2003/LR/Inam/Wakf/Enquiry/W.S/04 of dated 09/06/03 informed the Chief Executive officer, Maharashtra State Board of Wakfs,



Aurangabad to assist in the matter of enquiry of Muzaffar Siddiqui for completion the same in time. The Chief Executive officer, Maharashtra State Board of Wakfs, Aurangabad vide its letter no. Wakf/Enquiry/Est/856/03 of date 18/08/03 sent detailed report to the Additional Commissioner, Aurangabad in respect of Departmental Enquiry of Muzaffar Siddiqui.

After enquiry the Additional Commissioner, Aurangabad submitted his enquiry report vide its no. 2003/Wakf/Enquiry/QU/10 of dated 18/10/03 to the Divisional Commissioner Aurangabad. By reporting that Mr. Muzaffar Siddiqui, Maheboob Alam, Secretary & Ex. Chairman of the Board also found guilty in 56 cases of Wakfs. Thereafter the Divisional Commissioner Aurangabad send this report to the Board vide its no. /LR/Inam/Wakf/Enquiry/W.S/04 of dated 07/10/11/03 by directing for taking legal action against him. Accordingly the Chief Executive Officer placed the enquiry report before the Board and Maharashtra State Board of Wakfs vide its resolution no.8 of dated 06/12/03 resolved to issue notice of termination and also directed him to submit his reply along with all relevant papers to be submitted in the next meeting of the Board. The Chief Executive Officer, msbw, vide its notice of termination bearing no. Maharashtra State Board of Wakfs /Est/496/2004 of date 29/01/2004 issued to Muzaffar Siddiqui as to why he should not be dismissed from his services and directed him to submit his explanation of this notice within 15 days. But Muzaffar Siddiqui has not submitted his reply to the notice . In the meanwhile Muzaffar Siddiqui filed a contempt petition no. 213/04 writ petition 3371/02 before the Honourable High Court Bench Aurangabad in view of this the Chief Executive Officer, msbw, reinstated him vide order no. MSBW/EST/167/4873/05 dated 12/08/05 and the matter was kept in Boards meeting. Accordingly the Board vide resolution no. 44 of dated 26/08/05 confirm the reinstatement order of Muzaffar Siddiqui by reinstating on his original post Account Superintendent and also directed to initiate Departmental Enquiry as per Maharashtra Civil Services Rules. But the then Chief Executive Officer has not shown the record of resolution no. 8 of dated 6/12/03 regarding the notice of termination and termination notice dated 29/01/04 issued to Muzaffar Siddiqui. By hiding these details of Enquiry reports the board was kept in dark about the notice of dismissal resolution no. 44 of dated

28/08/05 was got passed. As the Divisional Commissioner Aurangabad has already enquired through Additional Commissioner Aurangabad and he was found guilty. Therefore considering the above facts, it is proposed to pass the reslutin of dismissal of this employee.

Hence the matter is kept in discussion and decision.

Resolution no. 7/2009:- It is hereby resolved that the orders of dismissal be issued only after following due procedure.

(vi) Confirmation of Order regarding transfer of Mr. Anwar Hussain Siddi at Nagpur.

Mr. Siddi Anwar Hussain has been reinstated vide resolution no. 117/2008 of dated 21/11/2008 on the transferred post in the Regional Wakf Office Pune was under suspension by with holding two annual increments permanently and declaring the period of suspension as suspension. But instead of posting him at Pune he is posted at Nagpur because that area needed more attention than Pune. He is transferred and posted at Regional Wakf Office, Division Nagpur subject to confirmation of the Board . Accordingly as per the order of transfer bearing no. /Est-1-a/1036/09 of dated 04/03/09 he joined on 05/03/09 . Hence the order is placed for confirmation.

Resolution no. 8/2009:- It is hereby resolved that the transfer of Mr. Anwar Hussain Siddi at Nagpur is confirmed.

(vii) (a) Dismissal of Services of Siraj Ahmed Khan, Jr. Clerk, Maharashtra State Board of Wakfs, Aurangabad (under suspension)

Shri Siraj Ahmed Khan Jr. Clerk has misappropriated huge amounts of the Board in the year 1989-90, the amounting of Rs. 34096.00 while working as Bill Collector in the office of the District Wakf office, Parbhani for which a Departmental Enquiry was conducted against him and he was punished by the then Marathwada Wakf Board Aurangabad and reverted as peon through resolution no. (9) dated 4.1.1993 and order dated 8-4-1993. and again he was promoted sympathetically to the post of Clerk on 22-9-1993.

And again he misappropriated an amount of Rs. 33915.00 while working as Bill Collector in the office of the District Wakf office, Parbhani for which he





was again suspended vide order of dated.13.4.1994 and a complaint was lodged on account of misappropriation u/s 409 and 468 of I.P.C. with police station at Parbhani and he was tried by Chief Judicial Magistrate (F.C.) at Parbhani bearing R.C.C. no. 70/95 in consequence of the Marathwada Wakf Board Aurangabad's resolution no. (6) Of dated 31.3.1994. The said complaint came to be withdrawn by the then Secretary of the Marathwada Wakf Board imposing upon him a punishment of stopping one annual grade increment permanently through order 06.06.1998 from these instances it revealed that he is habitual in misappropriation of the amount of the Board. **In this connection a detail brief history in the tabulated form which was sent to the Government in Marathi is enclosed herewith.** He is in habit to collect the amount on behalf of the Board from tenants and on its disclosure to remit the misappropriated amount. Here it is pertinent to be noted that on one occasion on dated 6.6.2006 he has filed an affidavit before the Chairman and Chief Executive Officer, Maharashtra State Board of Wakfs, Aurangabad stating on oath that he will not make any corruption and misappropriation in future. So all so he will not misbehave and will not tamper the office record and further admitted that out of misappropriated amount some amount had been remitted by him and out standing amount may be recovered from his salary.

(b) Further instances pertaining to corruption and misappropriation are given as under.

1. One Shri. Syed Liyakhat Ali Hashmi, Ex president of Masjid Shamsiya and Kabrastan Dini Darasgah Muslim Panch Committee, Ahmedpur Dist. Latur made allegation with the office of the CEO that Janab Siraj Ali khan while working as a Bill Collector in the office of the District Wakf Office, at Latur recovered an amount of Rs.1500.00 towards Wakf fund on 17.01.1999 and Rs.4500.00 on dated.20.07.1999 towards Wakf Fund and Rs. 4000.00 on dated. 15.09.1999 totally Rs. 10,000.00 but no receipts were given to them. and requested for issuance of notice for the returning of the said amount. There upon a show cause notice dated.05.05.2003 was issued to him to issued the receipt in form "F" to the above said amount. But he did not return the amount.

2. Further Shri. Syed Liyakhat Ali Hashmi, Ex president of Masjid Shamsiya and Kabrastan Dini Darasgah Muslim Psanch Committee Ahmedpur Dist. Latur alleged with this office on dated 07.01.04 that Siraj Ahmed Khan obtained 50 marriage form sets and out of this 20 sets were distributed by him to the other Kazis illegally and thereby he made about Rs. 35000 .00. as well as he obtained 4000.00 from him but did not issue the required receipts at and instance he said that the receipts are not available with the office. He further stated that once he given receipt in hand writing and asked him that the official receipts will be given on receiving the receipt book from the head office of the Aurangabad. But office receipt was not given to him by Shri. Siraj Ahmed Khan.

3. One Shri Patel Tamjeet Abdul Rehman, R/o Latur has also brought an instance against him that he has received from him an amount of Rs. 4500.00 for the purpose of giving plot / land on lease through the Secretary Wakf Board Aurangabad. But the lease deed was not done or the money was not returned to him.

4. Again one Shri Shaikh Anwar R/o Near Madina Masjid Aurangabad, on 27.10.01 has brought to the notice of the Secretary, Marathwada Wakf Board Aurangabad that he has recovered an amount of Rs.12000.00 for the purpose of allotment of shop from Secretary Wakf Board neither the shop was allotted nor money returned to the complainant.

5. Besides this some body produced in the office of the Wakf Board following receipts issued by the petitioner. One receipt inform No. "F" bearing Sr. no. 25852 through which he has collected an amount of Rs.1800.00 from one Mohd. Imran s/o Abdul Rauf pertaining to shop No. 9, shopping Centre, City Chowk Aurangabad on dated 04.12.01. it is pertaining to the recovery of rent form December 2001 to February 2002. Another receipt is for Rs. 2500.00 issued in favor of Shri. Prasanna Anand Shetty toward the rent of plot no.1 area 50x120 feet pertaining to Masjid Naza Roza Bagh, Harsul Road Aurangabad on dated 03.05.2001, for the year 2002-03. But said amount was not credited in the account of Board More over the person in whose favor the receipt was issued by him is irrelevant.

6. Further, Shri Syed Afzal Pasha Khadri , R/o Udgir brought to the notice of Board through an application dated 20.11.07 that Shri. Siraj Ahmed Khan had obtained Rs. 34000.00 from Shri. Majed Khader for the purpose of his appointment in the Board.

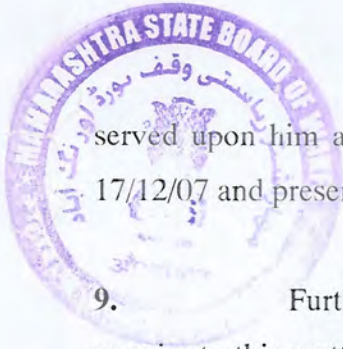
But no appointment has been made neither money was returned to him. These are the allegations of Corruption made by him.

7. Shri. Mahemood Khan S/o Raja Khan R/o Parbhani has brought to the notice of the CEO through his application dated 02.11.2007 below mentioned instances.

He has obtained an amount of Rs. 50,000.00 from Shri. P. K. Deshmukh R/o Parbhani who possesses the Wakf Land Survey No.91 for obtaining the allotment in his favor through the Chairman of the Board saying that the relation of Shri. Majed Patel and Petitioner are very close. But neither the allotment orders have been issued nor the said amount has been returned to him. So all so he has obtained an amount of Rs. 5000.00 from Zafar Khan R/o Pathri Dist. Parbhani for the purpose of issuing to him a certificate of "Mujawar".

From one person he has collected an amount of Rs. 80,000.00 for the purpose of his appointment in the office of the Board. The culprit has also obtained an amount of Rs. 10,000.00 from the rent holders residing near the Kabrastan of Gangakhed Dist. Parbhani.

8. One Shri. Mirza Asad Baig s/o Anwar Baig R/o Maheubia Colony Dargah Near Raza Masjid, Nanded has brought to the notice of the CEO through his application dated 25.12.07 that the culprit had obtained an amount of Rs. 36000.00 on dated 15.12.06 and Rs. 4000.00 on 25.12.06 totally Rs.40, 000.00 from him for the purpose of the appointment of the applicant in the Wakf Board. But neither his appointment has been made nor the money was returned to him by the him. There was an oral agreement between Siraj Ahmed khan (Petitioner) and the applicant that whole payment of Rs.1, 00000.00 will be made for appointment in the office of the Board and as per this agreement an amount of Rs. 40,000.00 has been paid to the petitioner and remaining amount of Rs. 60,000.00 was agreed to pay or receipt of the appointment order. From the above narrated imputation it is clearly revealed that the petitioner is habitually corrupted person and he is habitually misappropriating the Wakf amount. Therefore the Departmental Enquiry to enquire in to the misconduct and misappropriation of the petitioner has been initiated and he has been placed under suspension vide order of dated 08/11/07 and charge sheet was issued on 23/10/2007 and again supplementary char sheet also issued on 20/12/2007. Both the charge sheet were



served upon him and he was directed to attend before the then CEO on 07/12/07 and 17/12/07 and presenting officer were also appointed to Mr. Quazi Misbahoddin.

9. Further in this matter a Departmental Enquiry Officer also appointed to enquire to this matter. And Departmental Enquiry Officer also called him on 12/02/2008, 20/02/2008, 03/03/08, 10/03/08, 29/03/08, 27/03/08 he was remained present on 12/02/08, 20/02/08 and 03/03/08 and 10/03/08 and 27/03/08 and he was also remained absent 19/03/08 , 03/04/08 and 10/04/08.

10. On 10/04/08 the Departmental Enquiry Officer received his application on dated 09/04/08 by stating that he has filed WP no. 6512/07 before the Honorable High Court bench at Aurangabad and is pending now and requested to keep it pending till the disposal of the petition. But Departmental Enquiry Officer has pointed out that he has not attached the stay order along with his application Hence the Departmental Enquiry Officer has not allowed his application. Shri M.M.Siddiqui witnesses of the Board have recorded and presenting Officer Quazi Misbahoddin stated that matter be reported as per record.

11. Accordingly the Departmental Enquiry Officer has submitted his enquiry report to the Board on 19/04/2008 by proving the charges against him as per charge sheet. Thereafter the then CEO on 23/04/08 along with the enquiry report of the Departmental Enquiry Officer asked Siraj Ahmed Khan to explain within 10 days in writing to the then CEO otherwise further action would be taken.

12. Siraj Ahmed Khan filed Vakalatnama along with application of Adv. M.M.Siddiqui stating that the enquiry officer his retired person and also applied for certain documents and after receipt of said copies of documents.

Further there is no record of reply given by Siraj Ahmed Khan in the said filed of Departmental Enquiry Officer but on 25/08/08 Siraj Ahmed Khan gave an given application to the CEO to reinstate him by revoking the suspension order.

13. In the local fund statutory audit being carried out by Janab Mohd. Asif Assi, Audit Officer and Mohd. Mohibullah Sub Treasury Officer they have given report on 22/08/08 that Siraj Ahmed Khan has made an amount of suspected misappropriation is given as under

Sr. No.	Book No.	Receipt No.	Date	Amount
1	297	29691	2-1-03	3200
2	297	29692	3-1-03	360
3	297	29693	7-1-03	900
4	297	29694	7-1-03	600
5	297	29695	7-1-03	600
6	297	29696	7-1-03	600
7	297	29697	7-1-03	600
8	297	29698	8-1-03	1000
9	297	29700	16-1-03	2100
			Total	9960

14. Again reported that Mr. Siddi Anwar, Siraj Ahmed, Syed Abed Ali, Mohd. Ismail, (Wakf Officer) Lateef, Naqi Ali and Ishaq Mohiuddin also credited an amount of Wakf in the bank after a long time that is from 18 days to above 300 days as is revealed from the statement prepared by Local Fund Auditors. A huge amount is shown again Siraj Ahmed which comes to Rs. 69308.00 copy of the statement is enclosed and this auditor recommended that severe action may be taken again Siraj Ahmed Khan and others also as per MCSR .

15. In other instance Local Fund Auditors reported to the Board in their half margin Para no. 88 that during the audit for the year 2002-2003 to 2006-07 Shri Siraj Ahmed Khan Jr. Clerk (outward and inward Clerk) of the Boards Office has made financial irregularities by making excess payment of Rs. 384.00 in the postal services / charges and causing financial loss of the Board.

16. **Therefore, in view of the above facts, Shri Siraj Ahmed Khan Jr. Clerk who is under suspension may be dismissed from his services. Hence the matter is kept in Board meeting for discuss and decision.**

Resolution no. 09 /2009:- It is hereby resolved that the orders of dismissal be issued after following necessary procedure.



(viii) **INCREASE IN THE HADIYA TO THE IMAMS AND MOAZINS**

Increase in Hadiya of Imams and Mauzins under the direct control of the Board. The Wakf Institutions i.e. Masjid and Darghas are under the direct supervision and control of the Maharashtra State Board of Wakfs. Since long back and in the said Masjid and Dargah the Imams and Mauzin have been appointed for rendering the religious services and both are being giving somewhat less Hadiya as compared to others imams being paid elsewhere. At present the expenditure on hadiya per year comes to Rs. 1612596/- If the amount per person be increased by Rs 200/- the expenditure will increased by Rs. 276000/- per year which can be borne from the current revenue received. Therefore an increase @ Rs 200/- per month w.e.f. 01/04/09 is kept before the Board for discussion and decision..

Resolution no.10 /2009:- It is hereby resolved that an amount of Rs. 200/- per month be increased per month as proposed..

ix) The Honorarium staff of Maharashtra State Board of Wakfs,

- 1) Mumtaz Siddiqui, Wakf Officer ----- Rs - 8000/-
- 2) Asif Ayub Khan Pathan, Investigation Officer ----- Rs - 6000/-
- 3) Shakeel Shareef, Technical Consultant ----- Rs - 6000/-
- 4) Sk Mohd. Imran Mohd. Ibrahim, Computer Operator – Rs- 6000/-
- 5) Sk Abdul Azeem Abdul Majeed, Computer Operator- Rs- 6000/-
- 6) Ameenzama Khalikuzamma, Computer Operator – Rs – 6000/-
- 7) Asif Ahmed Masood A Mutawalli, Computer Operator-Rs – 6000/-
- 8) Abdul jabbar ,Clerk Mumbai office – 6000/-
- 9) Fayaz Khan, Clerk – Nasik Office – 6000/-

The honorarium of above staff may be increased as mentioned above per month from 1-8-2009. Hence submitted for discussion and decision.

Resolution no.11 /2009:- It is hereby resolved and approved that the honorarium of the above staff is sanctioned w.e.f. 1st Aug-2009.

X) :- Deputation of Janab Kazi Ziauddin Fahimuddin, Assistant Accounts Officer, as a Account Officer of Maharashtra State Board of Wakfs

Proposal :- For the smooth functioning of Accounts branch of Maharashtra State Board of Wakfs it is necessary to take a person on deputation from the finance department. This office was issued letter to the finance department of Government of Maharashtra vide no. EST/4883 dated 29/12/2008 through department of minority development, requesting to depute Janab Shaikh Mohammed Shafi, but the Government has replied to this office through letter dated 9/7/2009 stated that Janab Shaikh Mohammed Shafi will retire from the service on dated 31/12/2009 therefore the name of another officer may be recommended.

It is submitted that the Board has already resolved in its meeting held on 21-11-2008 that Chief Executive Officer should submit the proposal of deputation of Shaikh Mohammed Shafi to Finance Department. Janab Kazi Ziauddin Fahimuddin who is working as a Assistant Accounts Officer, Special District Social Welfare officer Jalna has submitted willingness in writing on dated 21/7/2009 and he is ready to work on deputation in Maharashtra State Board of Wakfs Aurangabad. Hence the proposal may be submitted to the Finance Department of Maharashtra Government through department of minority development instead of Janab Shaikh Mohammed Shafi.

Resolution no.12 /2009:- It is hereby resolved that as per government letter for deputation is hereby recommended by the Board instead of Shaikh Mohammed Shafi the name of Mr. Kazi Ziauddin Fahimuddin may be proposed to the Governemnt for deputation.

Point no. xi : Extension of Appointment period of Janab Shakil Sharif, Technical consultant, Maharashtra State Board of Wakfs

Proposal:- As per the Board resolution no. 22.2 /08 dated 3-04-2008 Janab Janab Shakil Sharif Mohammed Sharif of Mumbai was appointed as a Technical Consultant for a period of one year, the period of appointment as per the resolution has been elapsed on dated 03/04/2009. As per the Board resolution no. 77 date 6-10-2008 order has been issued vide no. 4561 dated 17-11-2008 regarding fixation of honorarium @ Rs. 5000/- to him, but the period of appointment has not been extended by the Board as Janab Shakil Sharif is working as technical consultant of the Board. The period of appointment from 3-4-2009 to 3-04-2010 may be extended.

Resolution no.13 /2009:-

It is hereby resolved that extension of Mr. Shakil Sharif, Technical consultant, Maharashtra State Board of Wakfs, is approved.

Point no. xii : Extension of period of Janab Mumtaz Siddiqui, Wakf Officer, (Incharge Siyanat Section) Maharashtra State Board of Wakfs, Aurangabad.

Extension of period of Janab Mumtaz Siddiqui, Wakf Officer, (Incharge Siyanat Section) Maharashtra State Board of Wakfs, Aurangabad a period of one year from 01.10.2009 to 31.10.2010.

Resolution no.14 /2009:-

It is hereby resolved that extension of Mr. Mumtaz Siddiqui Wakf officer , Maharashtra State Board of Wakfs be given for one year as proposed..

KAZAT SECTION

POINT NO. 5

The work of Kazat is under control and supervision of Maharashtra State Board of Wakfs, Aurangabad and the Siyahjaat (Marriage Forms) in shape of booklet is being supplied to ancestral Quazi, Naib Quazi and Quari-Un-Nikah from the Board by taking requisite fees of said booklet was Rs. 300.00 from ancestral Quazi and Rs. 375.00 from



Naib Quazi & Quari-Un-Nikah . Whereas the cost of printing one set of the booklet was Rs. 25.86. The Board had fixed the fees of Nikah per nikah an amount of Rs. 65.00.

But it was observed that these printed Siyahjats were having some drawbacks / mistakes and was also only in Urdu language. Now that the Wakf Board is functioning at the State level due to which the said Siyahjats are now corrected and the English language is also included along with Urdu by printing on good quality papers alongwith provision for photographs for which rate now comes to Rs. 78.60 of each sets as printing charges. And Board is getting the price of Siyahjats through circular bearing no.1126 of dated 12/03/09, an amount of Rs. 600/- from ancestral Quazi (for ten no. of siyahjats forms) and Rs. 800/- from Naib Quazi and Quari-Un-Nikah and travelling charges also fixed an amount of Rs. 500.00 for each Nikah separately. Excess fee will not be taken from bride groom. The rates and revised procedure is kept before board for approval.

Hence the matter is kept in Board meeting for confirmation.

Resolution no.15/2009:-

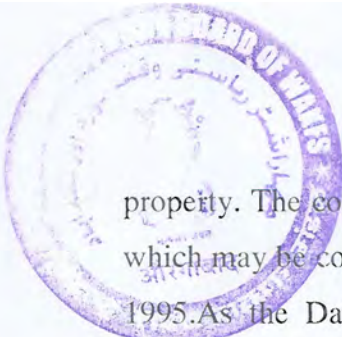
It is hereby resolved and approved

SIYANAT SECTION

Point No – 6

1. Development of commercial complex was the CTS no.16313 part of land Sy no. 34 at Shahnoor wadi Tq. Dist. Aurangabad pertaining to Dargah Shahnoor Hamvi, Aurangabad.

The open land bearing CTS no. 16313 sheet no. 277,278 part of land Sy no. 34 situated at Shahnoor wadi Tq. Dist. Aurangabad and measuring 9000 sq. ft. pertaining to Dargah Shahnoor Hamvi, Aurangabad, is lying vacant and the said Dargah and its property is under direct management of the Wakf Board. The plans and estimates have been prepared through an architect of G+1 floor whose cost comes to Rs. 1.00 crores . This commercial complex is being developed against the **donations** given by Rahmat Bai W/o Haji Zakeriya Trust Mumbai as a token of thanks for getting development ' No Object Certificate' from Maharashtra State Board of Wakfs for the development of Trust



property. The commercial complex will be constructed and given on rent for three years which may be continued there after , if the board desire as per section 56 of the wakf act 1995. As the Dargah land where this commercial complex is being constructed was acquired by the Government authority for public purpose and was taken back from the authority by the CEO efforts and gained construction for it from the local authority. The shops on the office premises on the first floor can be leased out after calling tender quotations as laid in the U/s 56 of the act.

Resolution no.16/2009:-

It is resolved and unanimously approved.

2. Exchange of land pertaining to Masjid Kasabpura, Murtizapur Akola.

The Trustees of Kasabpura, Murtizapur Dist. Akola, submitted a proposal U/s 51 of the Wakf Act 1995 for exchanging of land of said Masjid situated in Sy no. 24 to the extend of 0.4 R with the property of Mr. Nizamuddin Badruddin situated in gut no. 46 at measuring 7 H. 40 R. as the said Institution is registered U/s 36 of the Wakf Act 1995 with the Wakf Board.

The Trust a need resolution dated 5/12/07 stated that the Trust property in Sy no. 24 ad measuring 0.40 R. is far away from Masjid and there is possibility of encroachment on the said land. In view of this the matter which was heart by calling parties and enquiry reports was also called from regional wakf officer, Nagpur. The Officer Nagpur submitted his report and stated that the Masjid is 60 yrs old and consisting (1) Three Shops (2) Two residential Houses (3) Agricultural land admeasuring 8 H. 50 R. in gut no. 45 and (4) Urban land admeasuring 0.40 R. in Sy no. 24. from the Agricultural land in gut no. 45 the Institution is earning the income an amount of Rs. 35000.00 p.a.

The land in Sy no. 24 not giving any income and there is possibility of encroachment. For avoiding these proposal of exchange of said land has been examined which appears to be genuine and in the interest of the Wakf.

Resolution no.17/2009:

It is resolved that the matter be kept in the next Board meeting for discussion and decision.

3. ***Masjid Nalwandi, S. No. 205 District Beed.***

The land Gut No. 583 admeasuring 5 Acre belonging to Masjid situated at Nalwandi Tq. & Dist. Beed was allotted to Mr. Minesh Baliram Raut on lease for three years vide this office order No. 2167/06 dated 19.04.06 and lease was fixed at Rs. 15,000/- per year as per Maharashtra State Board of Wakfs Resolution No. 32 dated 26.08.05.

As per Government letter dated 15.03.07, Maharashtra State Board of Wakfs meeting dated 13.04.07 and Maharashtra State Board of Wakfs resolution No. 25.4 dated 12.12.07 the above order were cancelled vide order No. 52/08 dated 08.01.08 and accordingly directed to handover the possession to the mutwalli of said institution in presence of District Wakf Officer, Beed and also directed to make corrections in 7/12 extracts.


Inspite of service of this orders, the District Wakf Officer, Beed has simply submitted his report vide letter No. 176/09 dated 18.03.09 after a lapse of a long period of more than 1 year and the said notice was sent through under registered post of AD to Shri. Minesh Baliram Raut. But he had not taken over the possession of said land from Shri. Minesh Baliram Raut. However at present Shri. Minesh Baliram Raut is enjoying the possession by way of running ginning factory. As he has already constructed infrastructure on the land we may again negotiate with him for higher rate of lease and if he does not agree we may proceed for eviction of land. Hence the proposal is being submitted before the Board for discussion and decision.

Resolution no.18/2009:

It is resolved that the matter be kept in the next Board meeting after discussion with the concerned.

4. **Shahi Masjid Trust (Ale) Alepata Tq. Junner Dist. Pune.**

Shahi Masjid Trust a trust registered under PTR. No. B-138 Pune has submitted an application dated 18.07.09 for three years lease of Masjid property bearing ghat No. 2510 at Alepata Tq. Junnar Dist. Pune admeasuring 38.5 acres open barren land to Mr. Usama Quazi and Arafat



Shaikh for lease rent of Rs. 1000/- per acre monthly and a deposit of Rs. 4.5 lakh to the trust. The trust requires to lease this land for a period of 3 years as the land is lying ideal and no income is generated to the trust. The trust can benefit Rs. 4.80 lakh yearly in the form of lease rent, which will be helpful in financially managing the Masjid, Dargah and Qabrastan. The land lease would be utilized for parking, open and closed godown and sheds. Wakf board will benefit from the lease given by the trust.

Hence the matter to be placed before the Board for decision and approval.

Resolution no.19/2009:

It is resolved and approved that the matter regarding lease rent to be negotiated and 3 years lease to be granted.

5. Chirag Ali Qabrastan Sholapur.

Chirag Ali Qabratan Sholapur, a trust registered with Wakf Board bearing No. MSBW/SLR/53/2009 has submitted a proposal through application dated 10/07/09 for development U/s. 25 and 32 of Wakf Act, 1995. The trust is holding 1,69,640 Sq. Mtrs. On C.S. No. 9693 TPS 1 and land admeasuring 13,900 on C.S. No. 99 TPS 2. The trust has applied to the Board for development part of C.S. No. 9693 TPS I adm. 20,200 Sq. Mtrs. And C.S. No. 99 TPS 2 adm. 13,900 Sq. Mtrs. The trustees have proposed a residential building at their own cost or other sources and invest the profit created from the residential building to construct technical on C.S. No. 9693 TPS I adm. 20,200 Sq. Mtrs. The trust desires to construct the entire project at their own expenses or sources. This proposal is beneficial to the Qabrastan

trust. Wakf fund to be decided, wakf board will be benefitted from the proposal.

Hence the matter to be placed before the Board for decision and approval.

Resolution no.20/2009:

It is hereby resolved to provide detail project report of development and the matter to be kept in the next Board meeting for final approval.

6. Dawood Bhai Moosa Bhai Jariwala charitable trust.

Dawood Bhai Moosa Bhai Jariwala Charitable trust proposal was kept in the Board meeting on 21.11.2008 vide resolution No. 91/08, as the application dated 13.06.07 and revised application 22.05.09. The trust had mentioned in the application to assign, transfer lease hold rights of the property. The proposal and resolution to be corrected, as the matter was of assign, transfer of lease hold rights of property bearing C.S. No. 110 of Mazgaon Division adm. 3596.18 Sq. Mtrs. and not redeveloped. As the trust is only the owner of super structure on the land and not the land. The land belongs to the Collector Mumbai whom they had leased for a period of 99 years which expired prior 30 years back in 1978. The trust cannot lease back the land as it is expensive proposition. So the trust has decided to assign, transfer lease hold rights to Mr. Saleem and Mr. Sohail who offered the highest as per the news paper advertisement, the remuneration received by trustees will be utilized for the mansha-e-wakf.

So the proposal and resolution to be corrected and read as “Board resolved to grant no objection certificate to assign, transfer lease hold rights as proposed. And this resolution to be treated as confirmed in this meeting. Amendment in proposal and resolution to be accepted.

Hence this matter placed before the Board for correction and confirmation.

Resolution no.21/2009:

It is hereby resolved to accept amendment made in this meeting and issue NOC at the earliest.

7. Kausa Jama Masjid Trust, Kausa Mumbra.

This proposal was kept before the Board meeting held on 03.04.2008 vide resolution 26.1/08 and confirmed in meeting 27.05.08, 06.10.2008 and 21.11.2008 vide resolution No. 84/2008. The two applications dated 16.12.2006 and application 16.03.2008 were proposal of 1. Development 2. Land acquisition, both proposals belong to the same trust, as the second proposal of land acquisition was not mentioned clearly, general development of many proposal was clubbed in the meeting held on 3/4/2008, further to be added that land bearing survey no. 50, Hissa No. 2 admeasuring 39 gunthas has been acquired by Thana Municipal Corporation. The trust requires NOC from Wakf to acquire the land under land acquisition Act, 1881 and the Thana Municipal Authority to grant the trust TDR (Transfer of Development Rights) against the acquisition of 39 gunthas so the trust has applied in the second application for grant of NOC for Govt. acquisition of Land. Amendment in proposal and resolution to be accepted and changed.

The matter to be treated as confirm as the matter is put forward for correction and decision.

Resolution no.22/2009:

It is hereby resolved to accept amendment made in this meeting and issue NOC at the earliest.



8. **Taloja Jama Masjid Trust (Taloja)**

This proposal / matter was kept in the Board Meeting held on 21.11.2008 vide resolution 95/2008 an application for sale of land U/s. 51 of Wakf Act, 1995 as the land is under “KUL” for past 70 to 80 years. The Chief Executive Officer has suggested to develop, lease or some other use of the land instead of sale, option to be worked out to avoid sale of land if possible.

Resolution no.23/2009:

It is hereby resolved that C.E.O to enquire into this matter and take final decision in the next board meeting. ✓

9. **Kutchi Masjid Trust – Karad, Dist. Satara.**

The Kutchi Masjid Trust – Karad, Dist. Satara, Registration No. MSBW/0707 situated at Karad, Dist. Satara has applied for re-development of Property U/s. 32 of Wakf Act, 1995, application dt. 27.05.2009 bearing CTS No. 1, 3 and 235 admeasuring 560 sq. mtrs. out of which 104.5 sq. mtrs. has been proposed for re-development. The trust has advertised in the News paper and accepted one M/s. Sai Deep Construction who was offered to build ground + two floors having 10 galas vertical and horizontal on plot admeasuring 104.5 sq. mtrs., the developer will part with 5 galas for himself and five galas to the Masjid Trust, the developer will disposed the five galas in the open market without transferring the land rights however the old and the new occupier lease rent to the trustee/wakf board, mansha –e-wakf will not be disturbed.

The re-development is in the interest of the trust, the Masjid Trust will benefit from this proposal Wakf fund to be decided. Hence the proposal place before the board for discussion and approval.

Resolution no.24/2009:

It hereby resolved to grant permission after visit to the Masjid and inspect the site, take technical reports and to be place in the next board meeting for order/NOC.

10. Haji Abdulla Hussain Religious Charitable Trust

Haji Abdulla Hussain Religious Charitable Trust bearing PTR No. B-483 deemed registered has put up a proposal for re-development of trust property U/s. 25 & 32 of Wakf Act, 1995, application dt. 22.07.2009. The trust property bearing CS No. 1847, Byculla division admeasuring 1001 sq. yards or thereabout fully tenanted and dilipadated property situated at Sankli Street, Mumbai. The property accommodating 41 tenants is a burden to the trust in maintaining and managing the affairs of the trust, such as maintenance of the property and objectives of the Wakfs. The trust is facing loss in managing these affairs due to poor and meager rent which is not helpful to the trust in fulfilling the financials implications. So the trustees decided to redeveloped the property, on its own costs and expenses or with the support of project coordinator in terms of financial help and investments, the trust will rehab the existing tenants and disposed the balance FSI or area available in the open market, both new and old occupants will pay lease rent the trust/wakf board. This is in the interest of the trust to obtain objectives of mansha-e-wakf and wakf board will also be benefited from this re-development proposal.

Hence the matter to be placed in the board meeting for discussion and approval.

**Resolution no.25/2009:**

It is hereby resolved to negotiate in the matter grant permission for redevelopment and issue No Objection Certificate at the earliest.

11. M.A. Wavda Wakf Estate :-

M.A. Wavda Wakf Estate, deemed registered has proposed for re-development of wakf property U/s. 25 and 32 of Wakf Act, 1995 through application dt. 15.05.2009 situated on C.S. No. 1/895/589, Lower Parel, Mahim Division, admeasuring 1786 sq. mtrs. having three structures fully tenanted property in the form of Chawls and Building part of the property has been reserved by Govt. under Road Reservation. The trustees has proposed to re-develop the wakf property as the trustees are facing financial difficulties and maintaining the property such as taxes and maintenance of property. The meager rent and is not sufficient enough to run the affairs of the trust as the trust property is more than 80 years old. The trust is re-developing the property on its own or with the help of a project coordinator or other sources which will give support financially and morally. The trust will rehab the existing tenants and dispose the balance FSI and all the extra area available in the open market and part with the profit with the help of a project coordinator, the old and new occupant will pay lease rent to the trust/wakf board. This re-development proposal will financially rehab the trust in obtaining the mansha-e-wakf and wakf board will benefit from the proposal.

Hence the matter is placed in the board for discussion and approval.

Resolution no.26/2009:

It is hereby resolved to negotiate in the matter grant permission for redevelopment and issue No Objection Certificate at the earliest.

12. Cassamally Jairazbhoy Wakf / Trust :-

Cassamally Jairazbhoy Wakf / Trust deemed registered has submitted a proposal to the Board through application dt. 12.07.2009 for re-development of Wakf Property U/s. 32 of Wakf Act, 1995 bearing C.S. No. 653 (Part) admeasuring 3321 sq. mtrs. situated at Malabar Hill / Cumbala Hill, out of which 1350 sq. mtrs. to be redeveloped building known as "Cassamally Jairazbhoy Wakf", the property is ground + three floor building fully tenanted constructed prior 100 years required instant re-development to benefit the trust. This re-development will rehab the existing tenements in a proper manner and additional area created out of re-development will be disposed in the open market and such revenue to the trust is decided to invite offers for developer to redevelop the property through vide publication, the Wakf Board will be benefited by this re-development proposal.wakf board will benefit from this proposal.

Hence the matter is placed in the board for discussion and approval.

Resolution no.27/2009:

It is hereby resolved to negotiate in the matter and put up technical report and the matter to be decided for the final approval in the next boardmeeting.

13. Tambakuwala Trust :-

Tambakuwala Trust deemed registered has submitted a proposal a dated 05.07.2009 for redevelopment of the Wakf property bearing C.S. No. 1272 Lower Parel, admeasuring 1953.4 mtrs. fully tenanted property situated at Parel (Dadar) the wakf property is a burden to the trust as the trustees are facing financial crises in maintaining the trust affairs such as

maintenance and objectives of Wakf. The building is prior to 1940 in a very bad shape and dilapidated condition day by day. It is a threat to the life of the people residing in the building or wakf property. The trustees has passed the resolution to re-develop the property. And in its proposal decided to re-developed the property by inviting developers through wide publicity, the building rent is very small compare to the expenses. The benefits of the proposal is as such the tenants will get the new constructed flats the balance FSI created out of re-development U/s. 33 (7) of D.C. Rules can be disposed out in the open market for making profit, both the new and old occupants to pay lease rent to the trust/ wakf board. The trust and the developer will benefited from the deal and also Wakf will receive lease rent yearly.

Hence the matter is placed in the board for discussion and approval.

Resolution no.28/2009:

It is hereby resolved to negotiate in the matter and put up technical report and the matter to be decided for the final approval in the next board meeting.

14. Dargah Hazrat Peer Raje Buxor (Peerwadi) Khed, Dist. Satara:-

This matter was kept in the Board meeting dt. 21.11.2008 vide resolution no. 96/2008 as the matter lacks clarity it is further to be observed and understood by documental evidence submitted by the applicants in this regard, due to non clearance and not enough explanation in this matter the CEO requires more explanation and study in this matter to take further decision in this regards.

Hence the matter is placed in the board for discussion and approval.



Resolution no.29/2009:

It is hereby resolved that C.E.O to submit report in this matter and take final decision in the next board meeting.

15. Bai Amina Boo Abdul Rahim Wakf, Mumbai :-

This matter was kept in the Board meeting held on 21.11.2008 vide resolution No. 92/2008. The trustees had advertisement in the news paper for offers of developers to redeveloped the Wakf property. The highest offerer M/s. Grais Developer has backed out due to recession in the global market due to that the trustee has decided to select among the remaining two developers the property. The board to grant permission and allow the developer choose any of the two developers to redevelop the wakf property. Amendment to be made in respect to developer. This proposal / matter to be confirm in this meeting.

Hence the matter is placed in the board for approval.

Resolution no.30/2009:

It is hereby resolved that trustee to choose the developer who offered second highest and issue NOC for same after negotiations urgently.

16. Dargah Hazrat Peer Babu Jamal, Kolhapur :-

Dargah Hazrat Peer Babu Jamal, Kolhapur (B-82) is registration No. MSBW/13/2008 u/s. 36 of the Wakf Act, 1995 has submitted a proposal for sale of property U/s. 51 of Wakf Act, 1995 for bearing survey no. 1112/1, 1170/1 & 1169/1 aggregating 27.7 acres of agricultural land situated at

Karvir, Tq. Karvir, Dist. Kolhapur as mentioned in the application the trustee has proposed for sale of land which is agricultural in nature and under "KUL" for past more than 100 years, certain parts have been encroached. The Trust has no benefits whatsoever from this piece of land as the trust properties comprises of Dargah, Masjid and other properties which is difficult to maintain financially as this piece of land derives is no revenue to the trust whatsoever. The trust requires a huge revenue to run the affairs of the trust specially Dargah as the Land which is under "KUL" Kayada or Tenancy Act is no use to the trust nor any benefit can be taken from it, so the trust is decided to sell the land and utilize the amount after parting with the "KUL" owners for purposes such as development of other Wakf property, new construction on it, guest house for devotees, water and sanitary facility etc. The amount of the land sold can be put into proper utilization as mentioned. There is no other alternative except sale as the land is away from the City and no development whatsoever can be done on the land due to "KUL" and encroachment from past 100 years. The trust can fetch Rs. 4 to 5 lakhs per acre agricultural land, the trust to look for a proper buyer through news paper publication if sanctioned.

Hence the proposal is placed before the Board for discussion and approval.

Resolution no.31/2009:

It hereby resolved and suggested by the members of the board to appoint three member committee to inspect and survey the land and to submit the detail report for the reason as to why the land is being sold and whether the mansha e wakf is fulfilled or not by the Sale / Exchange of wakf land U/s 51 of Wakf Act 1995 and the matter to be place in the next board meeting for necessary action.



17. Haj House, At Aurangabad :-

Maharashtra State Haj Committee, vide its letter dt. 25.08.2008 has requested Maharashtra State Board of Wakfs for a piece of land to construct Haj house over it. Accordingly this office after consultation with the Hon. Members of the board have informed in writing that the wakf land 3 acre 5 gunthas at Dargah shah shoktamiyan Aurangabad can be leased out to the haj committee on the terms and conditions to be decided in the meeting. The premises after constructions with the government grant given to the haj committee will be given to the haj committee authority for three months of haj season. for the remaining period of the year it will be in the custody of Maharashtra state board of wakfs. The board will be free to give it on daily rental basis and earn revenue from it.

Hence the proposal is placed before the Board for discussion and approval.

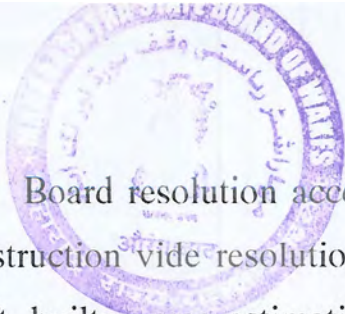
Resolution no.32/2009:

It hereby resolved that the C.E.O will discuss the matter with the Chairman Haj Committee and submit the report in the next meeting. For approval.

*prop
to be
approved*

19. Construction of Commercial / Hostel Building on Wakf Land at Ausa District Latur :-

The board has proposed to develop its own land at Ausa District Latur a small piece measuring 1614 sq. ft. Ground + two floor structures. This land is directly under control of Maharashtra State Board of Wakfs. The cost to be incurred by the Wakf Board and estimate of Rs. 25,00,000/-



Building construction plan and estimate attach. Board resolution accorded administrative approval to the proposal of construction vide resolution no. 10/2007. The board to construct of 3800 sq. ft. builtup area estimating to Rs. 25 lakhs at its own costs. After construction or during construction the board can auction the ground floor 9 shops and above 1st and 2nd floor for commercial huge and fetch good revenue in the form of deposit, donation and monthly rent. Therefore, this proposal required Board reconfirmation.

Hence the proposal is placed before the Board for discussion and approval.

Resolution no.33/2009:

It hereby resolved and approve by the board to construct the commercial complex at AUSA Dist Latur from board's revenue and lease out the commercial premises on lease in the open market.

20. CONSTRUCTION OF MASJID KASAI, MANMAD, NANDGAON, NASHIK.

Kasai mohalla masjid manmad, is registered u/s 36 of the act bearing no msbw/66/2007. The committee has submitted a proposal for reconstruction of mosque and construction of shopping centre alongwith the mosque. The estimated cost of the construction is 27,50,000/- which the committee will bear from their collection. The board may consider the proposal for approval and according no objection certificate.

Submitted before the board for discussion and decision.

Resolution no.34/2009:

It hereby resolved and approved to grant permission for reconstruction of mosque and commercial premises at trusts own cost and take technical reports and issue NOC.



ENQUIRY SECTION

Point No - 7

विषय:- १) सौदागर मस्जिद जामा मस्जिद, भंडाराचे व्यवस्थापकीय विश्वस्तांची नियुक्तीस मान्यता देणे बाबत..

टिपण:-

भंडारा ही संस्था मुंबई सार्वजनिक विश्वस्त व्यवस्था अधिनियम १९५० च्या तरतूदीनुसार नोंदणीकृत संस्था असून ज्याचा क्रमांक अ-नूक्रमे बी- १२ व बी- १३ असून दि.०१.०१.९६ पासून केंद्रीय वक्फ अधिनियम १९९५ संपुर्ण महाराष्ट्रात लागू करण्यांत आलेला असल्याने सदर संस्था वक्फ अधिनियम १९९५ चे कलम ४३ नुसार मानीव नोंदणीकृत संस्था असून वक्फ मंडळाकडील कलम ३६ नुसार अद्यावत नोंदणी क्रमांक MSBW/५/०७ व MSBW/६/०७ आहे. दोन्ही संस्थानचे व्यवस्थापनाचे काम पाहण्यासाठी वेगवेगळ्या घटनेनुसार एकच व्यवस्थापकीय विश्वस्तांची नियुक्ती झालेली आहे विश्वस्तांची नावे सर्व जनाब. १. अब्दुल रहीम पटेल चेअरमन, २. अतिकुज्जमा पटेल, ३. अब्दुल हबीब, ४. हाजी अ. रहेमान खान, ५. हाजी गुलामुस्सकलैन, ६. करीम बेग, ७. बत्रे खान हे विश्वस्त होते.

सदर दोन्ही संस्था भंडाराची मोठी संस्था असून संस्थांच्या संबंधित असलेली वक्फ मिळकत ही फार मोठ्या प्रमाणांत आहे व विशेष म्हणजे भंडारा शहराच्या मुख्य बाजार पेटेत वक्फ मिळकत असल्याने यांचिका क्र. ३७/०८ मधील अर्जदार जनाब एजाजउद्दीन खान व इतर यांनी महाराष्ट्र राज्य वक्फ मंडळाकडे वक्फ अधिनियम १९९५ चे कलम ६९ अन्वये योजना सादर करून त्यास मान्यता द्यावी व सदर संस्थेवर प्रशासकाची नियुक्ती करावी म्हणून दि.१४.०६.२००४ रोजी अर्ज दाखल केला होता सदरचे अर्ज मुख्य कार्यकारी अधिकारी महाराष्ट्र राज्य वक्फ मंडळ, औरंगाबाद यांनी दि.२६.०२.२००५ रोजीच्या आदेशान्वये रद्द केलेला आहे. सदर आदेशाविरुद्ध अर्जदारांनी मा. वक्फ न्यायधिकरण नागपूर येथे वक्फ अपील क्र. ३/२००५ अन्वये अड्वान दिले होते. त्यास Principal District Judge Nagpur यांनी दि.०१.०८.२००७ रोजीच्या आदेशान्वये Dismissed केलेले आहे. सदरचे निर्णया विरुद्ध जनाब एजाजउद्दीन खान माहियोद्दीन खान व इतर तीन लोकांनी मा. उच्च न्यायालय खंडपिठ, नागपूर येथे याचिका क्र. ३७/२००७ अन्वये दाखल करून खालील प्रमाणे विनंती केलेली आहे.

१) To quash and set aside the impugned Judgment dt. ०१.०८.२००७ passed by the principal District Judge Nagpur in wakf appeal no. ३/२००५ and the order dated २६.०२.२००५ passed by Respondent No. १ in Wakf Board Case No. Reg/B-१३/Bhandara/२००४.

- २) To direct the respondent No. ८ to frame a scheme in terms with the draft scheme submitted by the petitioners in case no. Reg/B-१३/Bhandara/२००४.

सदर दोन्ही संस्थेच्या व्यवस्थापकीय विश्वस्तपदाचे खालील सदस्यांनी राजिनामे दिलेले आहे.

- १) जनाब अ. रहीम पटेल , चेअरमन
- २) जनाब हाजी रहेमान खान,
- ३) जनाब करीम बेग
- ४) जनाब बत्रे खान साहाब
- ५) जनाब अतिकुज्जमा पटेल



वरील विश्वस्तांनी राजिनामा दिल्यानंतर उर्वरित दोन सदस्यांनी जनाब अतिकुज्जमा पटेल यांचा राजिनामा नामंजूर केला व उर्वरित विश्वस्तांचे राजिनामे मंजूर केले व त्यांचे रिक्त पदी दि २६.०२.२००८ रोजीच्या व इतर सभेत १. जनाब अब्दुल माबूद खान, २. जनाब इकरामुर रहीम खान, ३. महमंद अतहर परवेज यांची नियुक्ती केली गेली व सभेत सदर संस्थानाची घटनेतील कलम ३ नुसार नियुक्ती केली गेल्याचा उल्लेख करण्यांत आलेला आहे.

मा. उच्च न्यायालय खंडपिठ, नागपूर येथील याचिका क्र. ३७/०७ मधील अर्जदार व त्यामधील सी ए क्र. २४६७/२१३४/०८, ४२७१/०८ मधील अर्जदार यांचे अॅडव्होकेट च्या यूक्तीवादानुसार एकूण सात विश्वस्त असतांना पाच विश्वस्तांनी राजिनामे दिलेले असल्याने उर्वरित दोन विश्वस्त जनाब अब्दुल हबीब साहाब व जनाब हाजी गुलामुस्सकलैन यांच्या बहुमत असतांना पाच पैकी चार विश्वस्तांचे राजिनामे मंजूर केले गेले व एक विश्वस्तांचा राजिनामा नामंजूर करण्यांत आला तसेच दोन विश्वस्तांनी आपल्या मर्जीतले तीन लोकांची घाईगडबडीत विश्वस्त म्हणून नियुक्ती केली जी बेकायदेशिर चुकीची आहे.

सौदागर मस्जिद, जामा मस्जिद भंडाराच्या व्यवस्थापनामध्ये काम करण्यास बहुतांश लोक इच्छुक आहे, याची कल्पना उर्वरित विश्वस्तांना होती व प्रकरण मा उच्च न्यायालय खंडपिठ नागपूर येथे न्यायप्रविष्ट आहे हे ही त्यांना माहित होते परंतु त्यांनी जाणून वुजून हेतू परस्पर दोन्ही मस्जिदीचे मुस्लीयान मस्जिदींना कसली ही कल्पना न देता आपल्या मर्जीतले लोकांची विश्वस्तपदी वर्णी लावून घेतली जी चुकीची व बेकायदेशिर आहे ज्यामुळे मूळ संचिका क्र. ३७/०८ मध्ये खालील प्रमाणे Intervener यांनी मा उच्च न्यायालय खंडपिठ, नागपूर येथे अर्ज दाखल केलेले आहे.

- १) सी ए क्र. २४६७/०८ जनाब फहिमउद्दीन साहाब व जियाउद्दीन व इतर यांनी Intervener म्हणून अर्ज केलेला होता.
- २) सी ए क्र. २१३४/०८ जनाब अ. माबूद अ. रज्जाक यांनी Intervener म्हणून अर्ज केलेला होता.
- ३) सी ए क्र. २४७१/०८ जनाब फहिमउद्दीन व इतर यांनी Intervener साठी अर्ज केलेला होता Adhoc Body
- ४) सी ए क्र ४७५७/०८ अन्वये सदर चे संस्थांचे विश्वस्तांनी कोणतेही आर्थिक वावतीत निर्णय घेवू नये म्हणून अर्ज केलेला आहे.
- ५) सी ए क्र. १६५८/०८ अन्वये अर्जदारांनी अर्ज देवून स्थगिती आदेश देण्याची विनंती केली आहे.
- ६) सी ए क्र. ४८१८/०८ अन्वये मुळ याचिका फेटाळण्यात यावी म्हणून विनंती अर्ज करण्यांत आलेलो आहे.



सी. ए. क्र. १६५८/०८ मध्ये मा उच्च न्यायालयानी दि.०७.०३.२००८ रोजीच्या आदेशान्वये Maintain Status quo ऑर्डर Today असे आदेश दिलेले होते.

सी. ए. क्र. ४७५७ मध्ये मा उच्च न्यायालयानी दि.२८.०८.२००८ रोजीच्या आदेशान्वये Respondents ८ व ९ shall decide the said representations filed by the petitioners and the application filed by respondents १ to ६ for induction of ३ trustees after hearing all the parties who have right to be heard before respondents ८ and ९ within period of six months, and C A no. ४२७१/०८ in w.p. ३७/०८ in view of the order passed in C A ४७५७/०८ this application does not survive the application is disposed of accordingly CA no. ४८१८/०८ since Rule has already been issued in the petition application does not survive the application is disposed of accordingly.

तसेच मा उच्च न्यायालय खंडपिट, नागपूर यांचे दि. ०५.०५.२००८ रोजीच्या आदेशान्वये C.A.No. २४६७/०८ Civil application stands allowed as such the petitioners are directed to carryout the necessary amendment to the cause title of the petition CA no. २१३४/२००८ civil application stand allowed as such. The petitioners are directed to carryout the necessary amendment to the cause title of the petition and w.p. no. ३७ of २००८. Since the original proceeding was under section ६९ for modification of the scheme which come to be dismissed I am of the opinion that the petitioners are not entitled for status quo. Therefore the order of status-quo granted by this court on ४ March २००८ in vacated.

मा. उच्च न्यायालयाचे दि.२८.८.२००८ रोजीच्या आदेशान्वये तीन विश्वस्तांची रिक्त पद भरण्यासाठी सहा महिन्यात सुनावणी करावी त्यानुसार संबंधितांची सुनावणी घेण्यांत आली. प्रकरणांत सर्व जनाब १. फहिमउद्दीन खान, २. जियाउद्दीन खान, ३. जावेद खान, ४. युनुस इकबाल काजी, ५. सलीम व इस्हाक फारुकी यांनी दि.७.३.२००८ रोजी अर्ज देवून त्यांना सौदागर मस्जिद व जामा मस्जिद भंडाराचे विश्वस्त म्हणून घेण्यांत यावे अशी विनंती केलेली आहे. सोबत त्यांनी संगतीपत्रके ही जोडलेली आहे.

दि.१६.४.२००८ रोजी सर्व जनाब १. शहजादउद्दीन खान, २. महंमद असलम खान,३. महंमद साबीर, ४. अलहाज हाफीज अबरारउद्दीन, ५. महंमद आदील यांनी अर्ज देवून दोन्ही संस्थांचे विश्वस्तांचे रिक्त पदी त्यांची नियुक्ती करावी म्हणून विनंती केलेली आहे. तसेच सर्व जनाब १.अनिकुज्जमा , २. अब्दुल वासीत, ३. दिलदार शेख , ४. शकील खॉं यांनी ही अर्ज देवून त्यांना विश्वस्तांचे रिक्त पदी नियुक्त करावे म्हणून विनंती केलेली आहे व सर्व जनाब १. महंमद खालीद, २. महंमद जहुरुल्लाह शेख, ३. सय्यद रियाजअली , ४. फुरखानोदिन खान यांनी ही अर्ज देवून विश्वस्तांचे रिक्त पदी त्यांची नियुक्ती करावी म्हणून विनंती केलेली आहे. दि.१३.१०.२००८ रोजी नागपूरच्या शिबीरात वरील अर्जदारांनी पुन्हा अर्ज देवून मा. उच्च न्यायालय खंडपिट, नागपूर येथील याचिका क्र. ३७/०८ मध्ये दि.२८.८.२००८ रोजी झालेल्या आदेशानुसार त्यांची विश्वस्तांचे रिक्त पदी नियुक्ती करावी म्हणून पुन्हा विनंती अर्ज केलेला आहे.



दि. २४.१२.२००८ रोजी नागपूर येथील शिबीरात गैरअर्जदार यांनी वरील अर्जाच्या अनुषंगाने आपले स्पष्टीकरण सादर केलेले असून त्यात त्यांनी सध्याचे असलेले विश्वस्तांनी या पुर्वीच विश्वस्तांची रिक्त पदे भरलेली असून वरील अर्जदारांचा Malafide intention असून मा. उच्च न्यायालयाकडे ज्यांनी Intervener साठी अर्ज केला होता त्यांच्या शिवाय इतरांना अर्ज करण्याचा अधिकार नाही. आम्ही दोन्ही न्यासाचे व्यवस्थीत व्यवस्थापन करित आहोत असे लेखी व तोंडी यूक्तीवाद स्पष्ट केलेला आहे. तसेच याचिकेत असलेले अर्जदार व राजिनामा दिलेले विश्वस्ताचे Malafied Intention व त्यांचे नातेवा उल्लेख केलेला आहे.

एकंदरीत परिस्थितीत व सुनावणीत झालेल्या युक्तीवादावरून व लेखी जवाब तसेच लेखी यूक्तीवादावरून प्रत्यक्ष स्थळ पाहणी व दोन्ही संस्थांचे व्यवस्थापन त्यांच्या संबंधित असलेली वक्फ मिळकतीची ज्यामोक्यावर जाऊन भेट देणे आवश्यक असल्याने दिनांक २२.०२.२००९ रोजी भंडारा येथे प्रत्यक्ष भेट देण्यांत आली Intervener अर्जदाराशी चर्चा करण्यांत आली. प्रत्यक्ष पाहणी केली असता जामा मस्जीद भंडाराचे व्यवस्थापन योग्यरित्या हताळली जात नाही. मस्जीदी समोरील टीन शेडची फार वाईट आवस्था झालेली आहे. ऐवढी मोठी मस्जीद मध्ये स्वच्छता ठेवली जात नाही. सौदागर मस्जीदीचे बांधकाम झालेले असून बांधकामासाठी न्यासाकडून कोणतीही रक्कम घेण्यांत आलेली नसल्याचे प्रत्यक्ष जमा झालेले लोकांनी स्पष्ट केले दोन्ही संस्थानाचे संबंधित असलेली वक्फ मिळकत भंडाराच्या मुख्य बाजारपेठेत असून सौदागर मस्जीदच्या संबंधित असलेली वक्फ मिळकतीत अॅड. वर्मा यांच्याकडे भाड्यानी असलेला बंगला पडित असून त्यास खाली करण्यासाठी विश्वस्तांनी कोणतीच कार्यवाही केलेली दिसत नाही. तसेच ब-याच भाडेकरू कडे भाड्याची रक्कम थकीत असल्याचे माहितीच्या अधिकार अंतर्गत Intervener अर्जदार व याचिकेतील मूळ अर्जदार यांनी घेतलेली माहिती दाखविली भाडेकरू ची यादी चे निरक्षण केले असता असे निदर्शनास येते की, मुख्य बाजार पेठेत असलेल्या वक्फ मिळकतीत अत्यल्प भाड्यांनी दुकाने दिलेली आहे. तसेच सध्याचे अस्तीतवात असलेले विश्वस्तांचे भाडेकरू नातेवाईक आहेत. तसेच त्यांच्याकडून दोन्ही न्यासांचे हिशोब नियमित दिले जात नाही. तसेच वक्फ अधिनियम १९९५ चे कलम ६४ मधील पोट कलम (ग) मधील तरतूदीचे ही अस्तीतवात असलेले विश्वस्तांनी उल्लंघन केलेले आहे. तसेच ६४ (ह) मधील तरतूदीनुसार विश्वस्तांना कोणत्याही क्षमतेने प्रत्यक्ष किंवा अप्रत्यक्ष वक्फ मिळकतीचे लाभार्थी होता येणार नाही याचे ही उलघन झालेले आहेत. असे ही निदर्शनात आलेले आहे.

एकंदरीत परिस्थिती लक्षात घेता सौदागर मस्जीद व जामा मस्जीद भंडारा यांचे व्यवस्थापन चांगल्या रितीने पार पाडण्याचे दृष्टीने व दोन्ही वक्फ संस्थांचे संबंधित असलेल्या वक्फ मिळकतीत होत असलेले आर्थिक नुकसान टाळण्याचे हेतूने सदरचे दोन्ही संस्थेवर मा. उच्च न्यायालयाचे दि.२८.०८.२००८ रोजीच्या आदेशान्वये Intervener अर्जांनुसार यांच्या मधून नवीन विश्वस्तांची नियुक्ती केल्यास दोन्ही संस्थेचे व्यवस्थापना मध्ये सुधार होईल व दोन्ही संस्थांचा प्रश्न सुटेल या निष्कर्षाप्रत मी आलेलो आहे.

सबब मी वक्फ अधिनियम १९९५ चे कलम २५ व महाराष्ट्र राज्य वक्फ मंडळ सभा दि.२७.१२.०६ ठराव क्र. १६ अन्वये कलम ४२ व ६३ नुसार प्रदान केलेल्या अधिकाराचा वापर करून खालील प्रमाणे निर्णय दिलेला आहे.

निर्णय:-



- १) मा. उच्च न्यायालय खंडपिट, नागपूर येथील याचिका क्र. ३७/२००७ मध्ये २८.०८.२००८ रोजी झालेल्या आदेशानुसार जनाब ऐजाजउद्दीन खान व इतर व इतर जनाब फहिमउद्दीन खॉन व इतर यांचा Intervener अर्ज मंजूर करण्यांत येत आहे.
- २) याचिका क्र. ३७/२००७ मधील अर्जदार व मा. उच्च न्यायालयात Intervener म्हणून रूजू झालेले अर्जदारापैकी खालील अर्जदारांची सौदागर मस्जीद व जामा मस्जीद भंडाराच्या विश्वस्तपदी नियुक्ती करण्यांत येत आहे.
- ३). १. जनाब नाजीमउद्दीन खान पिता नजीरउद्दीन खान २. जनाब याकूब काजी पिता काजी मुजप्फर साहाब, ३. जनाब सलीम पिता इस्हाक फारूकी ,४. जनाब ऐजाजउद्दीन खान मोहिउद्दीन खान, ५. जनाब जियाउद्दीन खान सिराजउद्दीन खान, तसेच (जुने विश्वस्त), ६. जनाब गुलामुस्सकलैन गुलाम महंमद सहाब , ७. अब्दुल हबीब खान अब्दुल हफीज खान, सर्व रा. भंडारा.
- ४) वरील विश्वस्तांनी सौदागर मस्जीद व जामे मस्जीद, भंडारा चे व्यवस्थापनाचा कार्यभार तात्काळ स्वीकारावा.
- ५) या आदेशान्वये विश्वस्तांनी सौदागर मस्जीद व जामे मस्जीद भंडाराचे अद्यावत हिशोब दोन महिन्याचे आत सादर करून वक्फ फंडाचा भरना करावा.
- ६) वरील दोन्ही संस्थाचे व्यवस्थापन विश्वस्तांचे काम पुढील सहा महिन्यांनंतर पुनर्विलोकन करण्यात येईल व्यवस्थापनाचे काम समाधनकारक आढळून न आल्यास सदर चे दोन्ही संस्था वक्फ मंडळाच्या सरळ निगराणी खाली घेण्यांत येईल.
- ७) खर्चा बाबत निर्णय नाही.
- ८) संबंधितांना सदरचा निर्णय कळवावा व संचिका अभिलेखात पाठवावी.
कृपया सदरच्या निर्णयास मान्यता मिळावी.

Resolution no.35/2009:

It is hereby resolved and approved as per the above Order.

विषय क्र. २. मा. उच्च न्यायालय खंडपिट, नागपूर येथील याचिका क्र. १६३३/२००८ सह याचिका क्र. २६६९/२००८ नुसार मेहदीबाग वक्फ नागपूरच्या संबंधीत असलेले अर्ज क्र. ६६/२००५ ची सुनावणी करून त्यावर निर्णय घेण्यास अधिकार प्रदान करणे बाबत..

टिपण:-

मेहदीबाग वक्फ नागपूर ही संस्था मुंबई सार्वजनिक विश्वस्त अधिनियम १९५० मधील तरतूदीनुसार ई १२८९ नागपूर च्या नोंदणीचा प्रस्ताव २००३ मध्ये मस्जीद मेहदीबाग वक्फ च्या नावाने वक्फ मंडळात प्राप्त झाल्याने वक्फ मंडळाने MSBW/२/२००३ दि.२९.०३.२००३ अन्वये नोंदणीचा प्रस्ताव मान्य करून नोंदणी करण्यांत आलेली आहे. सदरच्या नोंदणी संबंधात घेण्यांत आलेल्या नोंदी च्या आक्षेपार्थ मूळ गैरअर्जदार जनाब सलीम भाई मुख्तार जाफर भाई चिमठाणवाला व इतर

अर्ज क्र. ६६/२००५ अन्वये दाखल केला होता. सदर अर्जावर निर्णय घेण्यांत आलेला नाही त्यावर अगोदर निर्णय घ्यावा म्हणून मा. उच्च न्यायालय खंडपिठ नागपूर यांनी दि.१७.०२.२००९ रोजी खालील प्रमाणे निर्णय दिलेला आहे.

During hearing, it became clear that the matter can be disposed of because of consent given by the parties and hence it is not necessary for this Court to go into controversy pointed out to this Court as I find that there is some dispute in relation some facts disclosed. The challenge in both these writ petitions is to the order dated. 26.03.2008 passed by Respondent No. 2 the then Chief Executive Officer of Maharashtra State Board of Wakfs.

The contention is, said order does not confine itself to the admitted position vide Exh. 249 in first part of the order sheet dated. 7.3.2008. The parties, however, agree that the proceedings in Application no. 66 of 2005 moved by respondent No. 5 in writ Petition No. 1633 of 2008 are required to be considered by Respondent No. 1 Maharashtra State Board of Wakfs itself in view of the statutory provisions. **It is, therefore, made clear that the impugned order of Respondent No. 2 shall not come in the way of Board and shall not influence it in any ay while considering the challenge in Application no. 66 of 2005. the said challenge will be considered independently and the Board shall decide those proceedings as early as possible and in any case within six months from today. Till then the parties agree to maintain status quo in relation to entries in the record as on today.**

The scheme proceedings which are required to be decided by Respondent No. 1 Board only shall be taken up after the adjudication in Application no 66, of 2005. The pursues filed in Second Appeal no. 529 of 2005 and accepted by this Court on 24.08.2007 contemplates expeditious disposal of Scheme proceedings. The period of six months stipulated there shall be counted from the date of adjudication of Application no. 66 of 2005, as agreed to before me by the parties.

In view of this agreement and order, nothing survives in both these writ petitions. Writ Petition are disposed of accordingly.

मेहदीबाग वक्फ नागपूर च्या बाबतीत थोडक्यात पार्श्वभूमी खालील प्रमाणे सादर करण्यांत येत आहे.

श्री. अब्दे रज्जाक मलक व इतर ५ अर्जदार रा. मेहदीबाग, नागपूर यांनी दि. १८.२.२००३ रोजी वक्फ अधिनियम १९९५ चे कलम ३६ (२) खाली महाराष्ट्र राज्य वक्फ मंडळाकडे अर्ज सादर केला व अशी विनंती केली की च मेहदीबाग वक्फ



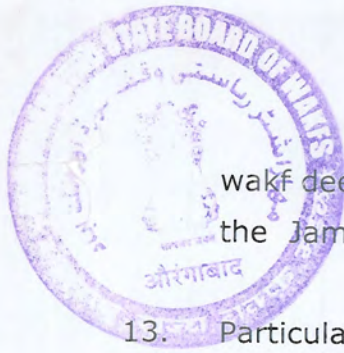
छ ला शिया वक्फ म्हणून नोंदणी करून घ्यावी व हीज होलीनेस मौलाना अमीरोदिन हसन नूरानी साहेब यांना या वक्फचे मुतवल्ली म्हणून नोंदवावे.

तत्कालीन मुख्य कार्यकारी अधिकारी, महाराष्ट्र राज्य वक्फ मंडळ, औरंगाबाद यांनी प्राथमीक चौकशीनंतर दि.२९.३.२००३ रोजी वरील विनंती अर्जानुसार मेहदी बाग वक्फची पार्ट ए व बी मध्ये खालील प्रमाणे नोंद केली.

Register of Wakf Part " A "

List of Wakfs.

1. Name of Wakf. : - Masjid Mehdi Bagh Situated at Prop. Tq.& Dist. Nagpur, Khasra. NO.125. Nagpur
2. Registration No. : - 2/2003
3. Date of Registration : - 29-3-2003
4. Name & Full Address of Wakif. :-Moulana Al Abid Abde Ali Al Malak Saheb, Mehdi Bagh, Nagpur.
5. Date or year from which Wakf has com into existence. :- 9.6.1894.
6. Class nature of Wakf :- Shia Wakf
7. Particulars of title Deed :- As per Wakf Deed of 9.6.1894. documents relating to wakf
8. Object of Wakf :- Religious
9. Particulars of Scheme of administration of Wakf :- As per Deed of 9.6.1894.
10. Name of Person who was Mutwalli at the time of registration. :- Maulana Ameeruddin Malak Sahab of Wakf.
11. Name of the person who is currently holding office of Mutwalli. :- Maulana Ameeruddin Malak Sahab
12. Rule of Succession to the Office of Mutwalli under the :-As per the document dated 9.6.1894 and as per custom of "Nuss " the Mutwalli



wakf deed or by Custom or by the Jamat. will be the Dai-UI-Mutlaq accepted by usage.

13. Particulars of Immovable properties of the Wakf. :- As per Wakf Deed of 9.6.1894.
14. Particulars of movalbe Old properties of the wakf :- G Jhoomers, Musallah, Wall Clock, carpets, Takats, Partitions, total valued at Rs. 15000.00 approx
15. Particulars of Cash annuities or grants received from Government or other sources. :- -----
16. Estimated everage income and expenditure approx :- Income Rs. 51/- per year Expenditure Rs. 13500/- per year
17. Remarks if any.

Order -

The Maharashtra State Board of Wakfs, Aurangabad is satisfied with the application of Shri. Abed Vakeel and proposal of Wakf Registration Masjid Mehdi Bagh, situated at proper Tq. & Dist. Nagpur, and the report of Shri. Sk.Zafar, Wakf Officer, and Shri. Mohd. Maroof, Overseer, Maharashtra State Board of Wakfs Aurangabad.

Therefore the above mention Masjid Mehdi Bagh is duly registered alongwith the properties under the Central Wakf Act 1995.

Sd.

Chief Executive Officer
Maharashtra State Board of Wakfs
Aurangabad.

Part "B"

List of Immovable properties of Wakfs.



1. Name of Wakfs :- Masjid Mehdi Bagh Situated at Prop.Tq. & Dist. Nagpur (M.S) Khasra No. 125 Nagpur.
2. Registration no. as given in part "A" :- 2/2003
1. Date :- 29-3-2003
- Details of properties agricultural lands: ----
2. Village. :- ----
3. Sr. No. :- ----
4. Area :- ----
5. Assessment :- ----
6. village were situated non agricultural lands and buildings. :- ----
7. Site on which situated :- Mehdi Bagh Nagpur.
8. Boundaries :- East. - land of Mehdi Bagh.
West - Road.
North- Binaki Road.
South - Railway Line.
9. Area :- 3.16 Acres
10. Details of properties :- Masjid, Garden, Houses, Open Space, as per map attached.
11. Initials of the secretary or Other officer verifying the entries in the Column 1 to 10. and the date. :- --
12. Date :- ---
13. Brief description of the transaction: - properties affected agricultural Lands. :- ---
14. Village :- --
15. Serial No. :- --



- | | | | |
|-----|---|-----|------|
| 16 | Area non agricultural lands and buildings | :- | --- |
| 17 | Amount | :- | --- |
| 18. | Village where situated | :- | --- |
| 19. | Site on which situated | :- | -- |
| 20. | Boundaries | :- | --- |
| 21. | Area | :- | --- |
| 22. | Details of properties | :- | -- |
| 23. | Initials of the officer | :- | --- |
| | Verifying entries in columns 12 to 22 and the date. | | |
| 24. | Remarks if any | : - | --- |
| | Instructions for filing in this part. | | |
| 1. | one page or folio shall be assigned to each registered wakf. | | --- |
| 2. | Columns 1 to 10 should be filed up from the details given in the application for registration or complied in the course of the survey of Wakfs. | : - | --- |
| 3. | Columns 12 to 23 shall be filed as and when necessary. | : - | ---- |

वरील प्रमाणे मस्जिद मेहदी बाग वक्फ ची नोंदणी करण्यांत आली. सदर आदेशास खालील प्रमाणे मा. उच्च न्यायालयात आव्हान देण्यांत आले.

१. सदर आदेशा विरुद्ध श्री. सलीम जाफर भाई चिमठाणवाला यांनी दि. ३०.७.२००३ रोजी मा. उच्च न्यायालय खंडपिठ, नागपूर येथे याचिका क्र. ३३३८/०३ दाखल केली.

२ याचिका क्र. ३३३८/०३ उच्च न्यायालय खंडपिठ, नागपूर मध्ये श्री. सलीम जाफर भाई चिमठाणवाला यांनी सि.ए.क्र. ५३६६/२००५ दाखल करून मा. उच्च न्यायालय खंडपिठ, नागपूर यांच्याकडे वक्फ मंडळाच्या वरील नोंदणी प्रकरणांत मनाई हुकुम देण्यासाठी अर्ज केला. त्या अर्जात मा. उच्च न्यायालय खंडपिठ नागपूर यांनी दि.६.१०.२००५ रोजी च मेहदी बाग ही वक्फ संस्था आहे. छ हे वगळता इतर आदेशास मनाई हुकुम देऊन श्री. सलीम भाई जाफर चिमठाणवाला यांना पुन्हा

वक्फ मंडळासमोर चार अठवाडयाच्या आत अर्ज करण्याची परवानगी दिली. त्यानुसार दि.३१.१०.०५ रोजी अर्ज क्र.६६/२००५ अन्वये श्री. सलीम भाई चिमठाणवाला यांनी महाराष्ट्र राज्य वक्फ मंडळाकडे मस्जीद मेहदी बाग वक्फ ची नोंदणी व पार्ट A व B मधील सर्व नोंदी रद्द करणे बाबत प्रकरण दाखल केले. सदर प्रकरणांत थोडक्यात खालील मुद्दे उपस्थित करण्यांत आले.

१. उक्त नोंदणी करणेपूर्वी अर्जदारास नोटीस दिली नाही .
२. वक्फ मंडळास नोंदणीचे अधिकार असतांना आदेश मुख्य कार्यकारी अधिकारी यांनी पारित केला.
३. मेहदी बाग संपुर्ण ट्रस्ट नोंदणी करणे ऐवजी केवळ मस्जीद मेहदी बाग इतकीच नोंद घेतली.
४. Exhibit २४९ मधील वक्फ मिळकतीच्या नोंदी घेतल्या नाहीत.
५. मौलाना अमीरोद्दिन मलक यांना मुतवल्ली म्हणून नोंदविले हे चुकीचे आहे.

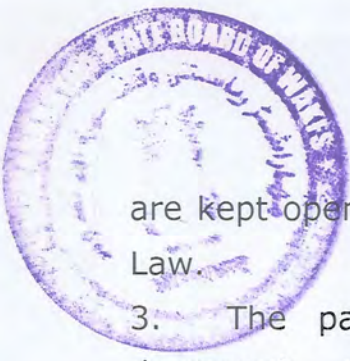
उपरोक्त अर्जावर वक्फ मंडळाचे मुंबई कार्यालयात दि.२९.११.०६ रोजी सुनावणी घेण्यांत आली त्या वेळी अर्जदारांनी त्यांचा अर्ज मागे घेण्याची विनंती केली. परंतु वक्फ मंडळाने त्यावर निर्णय प्रलंबीत ठेवला. त्यानंतर त्यांनी दि.२.११.२००७ रोजी Pursis देऊन सदर प्रकरण चालविण्याची विनंती केली.

३. मा. उच्च न्यायालय खंडपिठ नागपूर येथील एस.ए.क्र. १३२ /९२ श्री. अमीरोद्दिन विरुद्ध श्री. सलीम भाई जाफर चिमठाणवाला या प्रकरणांत दिलेल्या निकालानुसार मा. सहाय्यक धर्मदाय आयुक्त नागपूर यांनी त्यांच्या अनुसुचि-अ मध्ये मेहदी बाग ट्रस्ट, नागपूर E १२८९ (ना) अशी नोंद घेतली होती या प्रकरणांतील Exhibit-२४९ नुसार वक्फ मालमत्तेची नोंद घेतल्याचे त्यांनी नमूद केले. परंतु त्या मिळकती संबंधी श्री. अमीरोद्दिन हसन नूरानी हे गैरव्यवहार करीत आहे, व त्यावर सदर ट्रस्ट ची योजना तयार करावी असा अर्ज श्री. सलीम भाई जाफर चिमठाणवाला यांनी सहाय्यक धर्मदाय आयुक्त, नागपूर यांच्याकडे स्कीम अर्ज क्र. १/९८ अन्वये केला. मा. सहाय्यक धर्मदाय उपायुक्त नागपूर यांनी सदर ट्रस्ट वक्फ संस्था असून आपण महाराष्ट्र राज्य वक्फ मंडळाकडे अर्ज करावे असा आदेश दि.३०.६.२००३ रोजी दिला, या आदेशा विरुद्ध त्यांनी मा. सत्र न्यायालयात अपील क्र. ११/२००३ दाखल केले. या अपीलातील आदेश दि. १४.२.२००५ विरुद्ध श्री. अमीरोद्दिन हसन नूरानी यांनी मा. उच्च न्यायालय खंडपिठ नागपूर येथे एस.ए. ५२९/२००५ दाखल केले.

५. मा. उच्च न्यायालय खंडपिठ, नागपूर येथे एस.ए. क्र. ५२९/०५ मध्ये दोन्ही पक्षकारांनी दि.२४.८.०७ रोजी (Joint Pursis) दाखल केले व त्यावर मा. उच्च न्यायालयाने आदेश पारित केले. त्याचा तपशिल खालील प्रमाणे आहे.

1. The application No.1 of 1998 pending before the Dy. Charity Commissioner Nagpur shall stand transferred to the Maharashtra State Board of Wakfs. The proceeding taken under section 50-A of the Bombay Public Trust Act 1950 shall be treated as if under section 69 of the Wakf Act 1995 and shall be dealt with according to the provisions of the wakf Act 1995 by the Maharashtra State Board of Wakfs.

2. The Wakf Board will decide the application according to Law. All the contention of the parties about the issue of framing of the scheme



are kept open to be decided by the Wakf Board in accordance of with Law.

3. The parties agreed that the properties mentioned in the document dated 15th of November 1931 'Exhibit 249 in special civil suit no.143/1967) will be recorded as the properties of "Mehdi Bagh" Wakf by the Maharashtra State Board of Wakf.

4. It is necessary that the impugned judgment dated 14/2/05 by the learned joint District Judge Nagpur in regular Civil application No. 11/2003. be quashed and set aside. The second appeal be disposed off accordingly by set aside the impugned order passed by the joint District Judge , Nagpur.

5. The proceeding which are transferred will be decided by the Maharashtra State Board of Wakfs, within 6 months.

As per Joint pursues the Honourable Justice Mr. R. C. Chavan directed as below.

1. consequently judgment dated 14 Feb 2005 regular Civil Application No. 11/2003 is set aside

2) Application No. 1/1998 under section 50- A of the Bombay Public Trust Act 1950 pending before the Deputy Charity Commissioner Nagpur shall stand transferred to the Maharashtra State Board of Wakfs for being dealt with under section 69 of the Wakf Act 1995.

3) The Wakf Board shall take note of recitals of paragraph 3 of the joint pursis to the following effect and act accordingly.

"The parties agreed that the properties in the document dated 5th Nov 1931 (Exihibit-249) in special civil suit No 143 of 1967 will be recorded as the properties of Mehdi Baugh Wakf by the Maharashtra State Board of Wakfs"

मा. उच्च न्यायालय खंडपिठ नागपूर यांचे वरील आदेशान्वये मेहदी बाग वक्फ या संस्थेची वक्फ मालमत्ता नोंदणी करणे व सदर संस्थेच्या योजने संबंधी वक्फ अधिनियम १९९५ चे कलम ६९ अन्वये चौकशीचे कामकाज सुरू करण्यात आले. श्री. अबदे रज्जाक मलक याकूब मलक शेख व इतर यांनी दिनांक २०-११-२००७ रोजी अर्ज देऊन (Objector Non



Applicants) श्री. सलीम भाई जाफर चिमठाणवाला व इतर यांचा योजने संबंधी दिलेला अर्ज रद्द करणे बाबत विनंती केलेली आहे.

मा. उच्च न्यायालय खंडपिठ नागपूर यांचे आदेशानुसार धर्मदाय आयुक्त, नागपूर यांनी त्यांचे पत्र क्र. ध.उपआ/रेकार्ड/४४६०/०७ दि. १२.९.२००७ अन्वये मेहदी बाग वक्फ नागपूर ई- १२८९ (ना) संबंधी सर्व अभिलेख महाराष्ट्र राज्य वक्फ मंडळाकडे वर्ग केले आहे.

धर्मदाय उप आयुक्त नागपूर यांनी पाठविलेल्या अभिलेखांची काळजीपूर्वक पडताळणी करून व मा. उच्च न्यायालय खंडपिठ, नागपूर येथील याचिका क्र. ५२९/०५ मधील आदेशानुसार व वरील Joint pursis प्रमाणे पुढील कार्यवाही करण्यासाठी सर्व संबंधितांना या कार्यालयाची नोटीस क्र. मरावमं/चौकशी-१३/ १६३१८/२००७ दि.५.१२.२००७ अन्वये दि.१५.१२.२००७ रोजी व क्र. मरावमं/चौकशी-४/६७५/०८ दि.२६.२.२००८ अन्वये नोटीस देऊन दि.८.३.२००८ रोजी नागपूर येथील शिबीरात सुनावणी घेण्यांत आली.

सुनावणी व संबंधितांचा युक्तीवाद :-

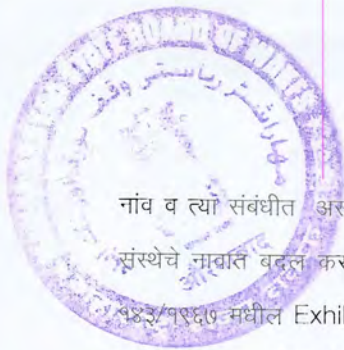
सर्व संबंधितांना नोटीस रजिस्टर्ड पोस्टाने पाठविण्यात आलेली असून त्याची पोहोच संचिकेत आहे. दि.१५.१२.०७ सुनावणीच्या दिवशी श्री. सलीम भाई जाफरभाई चिमठाणवाला व इतर यांनी अर्ज देऊन निदर्शनास आणून दिले व आक्षेप सादर केला की, मेहदी बाग वक्फाचे सर्व अभिलेख मा. उच्च न्यायालय खंडपिठ नागपूर यांचे आदेशानुसार मा. धर्मदाय उप आयुक्त नागपूर यांच्याकडून महाराष्ट्र राज्य वक्फ मंडळाकडे वर्ग झालेली आहे. याचीका क्र. ५२९ / ०५ मधील आदेशानुसार तसेच प्रकरणात दोन्ही पक्षकारांचे Joint Pursis मधील परिच्छेद क्र. ३ मध्ये उल्लेख केल्या प्रमाणे म्हणजे The parties agreed that the property mentioned in the document of the dated १५ of November १९३१ Exhibit २४९ in special civil suit no.१४३/१९६७) will be recorded as the properties of Mehdi Bagh Wakf by the Maharashtra State Board of Wakf. छ या प्रमाणे प्रथम कार्यवाही करावी व मा. धर्मदाय उप आयुक्त नागपूर येथील सदर संस्थेच्या योजने संबंधी अर्ज क्र. १/१९९८ मध्ये पुढील सुनावणी घेऊन निर्णय घेण्यांत यावा.

दि.८.३.२००८ रोजी जनाब अमीरोद्दिन नूरानी मलक साहाब यांच्याकडून अॅड झेड.ए.हक यांनी असा युक्तीवाद केला आहे की, आम्ही दि-२४.७.०३ रोजी वक्फ मंडळाकडे अर्ज देऊन मा. धर्मदाय उप आयुक्त नागपूर यांनी शेड्युल - १ मध्ये घेतलेली वक्फ मालमत्तेची नोंद घेण्यांत यावी म्हणून त्यांनी पुर्वीच विनंती केलेली आहे. परंतू प्रकरण न्यायालयात न्याय प्रविष्ट असल्यामुळे सदर अर्जावर पुढील कार्यवाही झालेली नाही.

दि. ८.३.२००८ रोजी १. श्री. करीमभाई आबीद अली, फेम्स स्टील, १६५ जवाहर मार्ग पाटणी बाजार उर्जेना(म.प्र) यांनी अॅडव्होकेट श्री. एस.जी. काजी रा. नागपूर यांच्या मार्फत आक्षेप दाखल केला. त्यावर त्यांचे म्हणणे ऐकून घेण्यांत आले त्यांनी असा युक्तीवाद केला की Exhibit २४९ मधील काही मिळकती मध्यप्रदेश येथील उज्जैन मध्ये आहे व त्याची नोंद मध्यप्रदेश वक्फ राजपत्रात घेण्यांत आली आहे. म्हणून महाराष्ट्र वक्फ मंडळ ह्या मिळकती संबंधी निर्णय घेऊ शकत नाही.

निष्कर्ष:-

वरील विवेचनावरून व संचिकेतील कागदपत्रांची पडताळणी केल्यावरून स्पष्ट होते की, मेहदी बाग ट्रस्ट ई- १२८९ (ना) ही संस्था वक्फ असून वक्फ अधिनियम १९९५ चे कलम ४३ नुसार मानिव नोंदणीकृत (Deemed Registered) सुध्दा आहे. दि.१८.२.२००३ रोजी प्राप्त झालेले नोंदणी अर्जान्वये नोंदणी करताना सदर संस्थेचे अनूसुचि- १ मधील वक्फ संस्थेचे



नांव व त्या संबंधित असलेल्या सर्व वक्फ मिळकतीची नोंद घेणे आवश्यक होते. परंतु कलम ३६ अन्वये नोंदणी करताना वक्फ संस्थेचे नावात बदल करून दि.९.६.१८९४ च्या वक्फ नाम्यानुसार वक्फ मिळकतीची नोंद घेण्यांत आली परंतु प्रकरण क्रमांक १४३/१९६७ मधील Exhibit -२४९ मध्ये नमूद केलेली मिळकतीची नोंद घेण्यांत आली नाही. त्यामुळे सदरचे प्रकरणात वाद निर्माण झाला. गैरअर्जदार श्री. करीम भाई आबिद अली यांनी केलेला युक्तीवाद मान्य करता येत नाही. कारण उज्जैन येथील मिळकती ह्या वक्फ असल्याचे त्यांनीच मान्य केले आहे. ह्या मिळकतीची नोंद जरी मध्येप्रदेश वक्फ मंडळाचे राजपत्रात असली तरी ती मेहदी बाग वक्फ ची नाही असा कुठलाही पुरावा उपलब्ध नाही. Exhibit-२४९ मधील सर्व मिळकती ह्या मेहदी बाग वक्फची आहे. हे अगदी स्पष्ट आहे. ह्या मिळकती सार्वजनिक ट्रस्ट ची असल्याचे वेगवेगळ्या न्यायालयाचे आदेशाद्वारे स्पष्ट झाले आहे- म्हणून १९९५ मध्ये वक्फ कायदा अंमलात आल्यानंतर ह्या सर्व मिळकती आता वक्फ म्हणून आपोआप घोषित झाल्या आहेत . मेहदी बाग वक्फ ही संस्था धार्मिक कामासाठी निर्मित केली असल्यामुळे ती वक्फ आहे. यात कुठलेही दुमत असू शकत नाही म्हणून ह्या वक्फाची मालमत्ता कुठेही असली तरी त्याची नोंद ह्या वक्फाच्या नोंदणी सोबतच होणे आवश्यक आहे. म्हणून श्री.अब्दुल करीम भाई आबेद अली यांचा आक्षेप निकाली काढण्यांत येत आहे.

मा. उच्च न्यायालय खंडपिठ, नागपूर येथील एस.ए.क्रमांक ५२९/२००५ मध्ये झालेल्या Joint pursis प्रमाणे Exhibit -२४९ मधील सर्व मिळकतीची नोंद घेणेसाठी दोन्ही पक्षांनी सहमती दर्शविली आहे. त्या प्रमाणे Exhibit-२४९ मधील मिळकती ह्या मेहदी बाग वक्फाची आहे व मेहदी बाग ट्रस्ट हा आता मेहदी बाग वक्फ आहे, हे सर्व अभिलेख व त्यासंबंधी दिलेले न्यायालयातील निर्णयावरून सिध्द झालेले आहे. म्हणून ह्या सर्व मिळकतीच्या नोंदीसह मेहदी बाग वक्फ ची सुधारीत नोंदणी करणे आवश्यक आहे या निर्णयाप्रत वक्फ मंडळ आलेले आहे.

सबब, वक्फ अधिनियम १९९५ चे कलम ३६, ४१ व ४३ अन्वये वक्फ मंडळास प्राप्त असलेल्या अधिकाराचा वापर करून व मंडळाने ठराव क्र. १६ दि २७.१२.२००६ अन्वये मुख्य कार्यकारी अधिकारी यांना ठराव क्र. अ २१/ २००७ अन्वये प्रदान केलेल्या अधिकाराचा वापर करून प्रकरणांत खालील प्रमाणे निर्णय देण्यांत येत आहे.

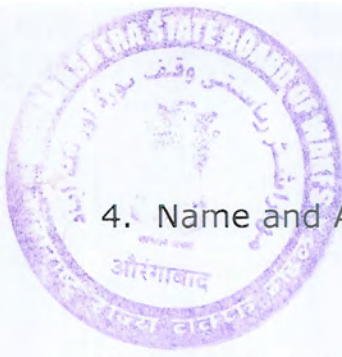
निर्णय:-

नोंदणी विभाग, महाराष्ट्र राज्य वक्फ मंडळ यांनी मस्जीद मेहदी बाग नागपूरच्या नोंदणी अभिलेखात खालील प्रमाणे तात्काळ सुधारीत नोंदणी करावी.

१. वक्फाचे नांव च्मस्जीद मेहदी बागछ नागपूर ऐवजी च्मेहदी बाग वक्फछ नागपूर असे नमूद करावे व नवीन नोंदणी क्रमांक देवून नोंद वहीत खालील प्रमाणे नोंदी घ्याव्यात.

Form for Registration of Wakf U/S 36 of the Wakf Act 1995. List of Wakfs with Movable / Immovable Properties of Wakfs / Trust

1. Sr.No. :- (Old Wakf) BPT.No. E - 1289 (N)
2. Name of the Wakf (Institution):- Mehdi Bagh Wakf Tq. & Dist.
Nagpur.
3. Registration No. & Date- :- New.



4. Name and Address of Wakif. :- Maulana Al Abid Abde Ali Al Husam Malak Saheb, Mahdi Bagh, Nagpur.
5. Date and year from which Wakf has come on to Existence. :- 09-06-1894.
6. Class, Nature of Wakf Shia Sunni. :- Shia Wakf.
7. Particulars of All Title Deed & Document Relating to Wakf/Trust- the November special :- As per Wakf Deed of 9.6.1894 & properties entries mentioned in document dated 15th 1931 Exhibit No. 249 in civil suit No.143/1967.
8. Objects of the Wakf / Trust :- Religious.
9. Area- :- As per Coloum No.7
10. Boundaries :- As per Coloum No.7.
11. Particulars of the Scheme of 69 of Administration of Wakf/Trust. the Wakf Act.1995.(to be decided)
12. Name of the person who was Mutwalli/Trustee/Committee Gulam at the time of registration. Saheb :- As per wakf Deed 9.6.1894
1.Janab Sayedna Badruddin Hussain Mia Khan Hakeem
2. Janab Shaikh Musbhai Tyabji Saheb.
3.Janab Shaikh Hasanally Saheb.
4. Janab Mulla Abdul Kadar Ebrahimji Saheb.& to be decided as per Scheme



13. Name of the person who is :- --do--
Currently holding office of Mutwalli/
trustee / Committee.
14. Rule of succession to the office : - --do--
of Mutwalli/trustee under the wakf
deed or by custom or usage of scheme.

Particulars of Immovable properties of the Wakf/Trust

15. Shops :- As per Column No.7
16. Rooms :- --do--
17. House :- --do --
18. Office :- --do --
19. Community Hall :- --do --
20. Villages Where Situated :- --do --
21. Sy.No./ G.No. :- --do --
22. H.R. & Acre :- --do --
- 23 Assessment Rs.N.P. :- --do --
24. Approximate Value of Properties:- Not less than 100 Crores
Approximately.
25. Particulars of movable properties of:- As per Coloum No. 7.
the Wakf / Trust
26. Present Estimated Average Income :- Income. Not less than
Rs.1 Crore Per annum
approximately.

२. मेहदी बाग वक्फ नागपूर ची नोंदणी करून कलम ३७ अन्वये वक्फ नोंदवहीमध्ये Special Civil Suit No. १४३ of १९६७ document dated ५ Nov. १९३१ (Exhibit NO. २४९) नुसार वक्फ मालमत्तेची नोंद घ्यावी.

३. सदर संस्थेची (स्कीम) योजना संबंधी मा. उच्च न्यायालय खंडपिठ, नागपूर यांचे आदेशा नुसार वक्फ अधिनियम १९९५ चे कलम ६९ अन्वये चौकशीचे काम काज चालू आहे. प्रकरणात अंतिम आदेश पारित झाल्यावर त्या नुसार मुतवल्लीचे नाव व योजने संबंधी नोंद करावी.

त्यानुसार महाराष्ट्र राज्य वक्फ मंडळाने नोंदणी क्र. ३९/२००८ दि.२९.०३.०८ अन्वये देवून सर्व संबंधित विभाग तहसीलदार नागापूर, तहसीलदार, उमरेड, आयुक्त महानगरपालीका, नागपूर, तालूका निरिक्षक भूमि अभिलेख, नागपूर, दय्यम निबंधक, नागपूर यांना क्र. रामवमं/नोंदणी / ४७४/०८ दि.१०.०६.०८ नुसार कळविलेले आहे.

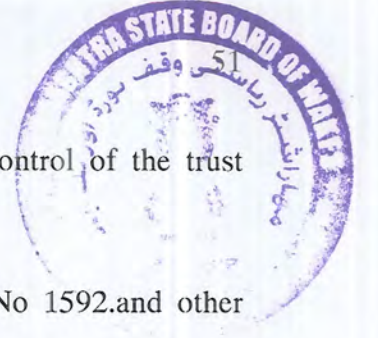
प्रकरणातील Exhibit- २४९ मधील मिळकतीत गैरव्यवहार होत असल्याने दैनिक लोकमत समाचार नागपूर चे दिनांक १९.११.२००८ रोजी जाहिर नोटीस द्वारे खरेदी व्यवहार होत असल्याचे निदर्शनास आल्यास या कार्यालयाचे पत्र क्र. मरावमं/चौकशी-२५/२१४/२००९ दि. १४.०१.२००९ अन्वये सर्व जनतेस जाहिर नोटीस द्वारे खरेदी व्यवहार करू नये म्हणून जाहिर नोटीस दैनिक हितवाद नागपूर व दैनिक लोकमत समाचार, नागपूर च्या दि. १८.०१.२००९ च्या अंकात सर्व मिळकत प्रसिध्द करण्यांत आलेली आहे. या जाहिरातीचा खर्च रक्कम रूपये १९७०००.०० आलेला असून सदर चा खर्च मूळ गैरअर्जदार सलीम भाई चिमटाणवाला यांनी अदा केलेला आहे. या मुळे सदरच्या वक्फाचे महसूली विभागातील अभिलेखात मालकी हक्काच्या रकान्यात वक्फांच्या नावाची नोंद झालेली आहे.

महाराष्ट्र राज्य वक्फ मंडळाने नोंदणी क्र. ३९/२००८ दि.२९.०३.०८ अन्वये दिलेल्या आदेशात अर्ज क्र. ६६/२००५ चा उल्लेख ही करण्यांत आलेला आहे परंतु मा उच्च न्यायालय खंडपिठ, नागपूर यांनी दि. १७.०२.०९ रोजी दिलेल्या आदेशानुसार सदरचे अर्जावर वक्फ मंडळानी सुनावणी घेऊन निर्णय तदनंतर सहा महिन्यात घ्यावा व तदनंतर वक्फ संस्थेची योजनेसंबंधी प्रलंबीत असलेले अर्जाची सुनावणी घेऊन निर्णय द्यावा असे आदेश पारित केलेले आहे. प्रकरणांत वक्फ अधिनियम १९९५ चे कलम ६३ , ४१ व ६९ अन्वये सुनावणी घेऊन कायदेशिर निर्णय घेण्यासाठी अधिकार प्रदान करण्यांत यावे, तसेच कलम ६३ व ७९ नुसार सुनावणी घेऊन निर्णय होई पर्यंत सदर संस्थेच्या विश्वस्तपद रिक्त असल्यामुळे संस्थेच्या संबंधीत असलेल्या मिळकतीत गैरव्यवहार होऊ नये तसेच सदर संस्थेचे उत्पन्नात वाढ व्हावी या दृष्टीने सदर संस्था वक्फ अधिनियम १९९५ चे कलम ६५ नुसार “विशिष्ट वक्फचे प्रत्यक्ष व्यवस्थापन मंडळाद्वारे अंगीकारणे ” या नुसार सदर संस्था वक्फ मंडळाच्या ताब्यात घेण्यासंबंधी महाराष्ट्र राज पत्र प्रसिध्द करण्यासाठी अधिकार प्रदान करण्यांत यावे. तसेच सदर संस्थेच्या संबंधीत असलेली वक्फ मिळकती सी. टी. एस. क्र. १५९२ क्षेत्र ४३९.४० चौ मिटर ही दुकान नागपूर येथील मुख्य बाजारपेठेत असून मागील २००३ पासून बंद आहे. सदर दुकान वक्फ अधिनियम १९९५ चे कलम ५६ नुसार भाडेतत्त्वावर देण्यासाठी या कार्यालयाचे नोटीस क्रमांक एमएसबीडब्ल्यु/इन्कवायरी/१९६३/२६८३/२००९ दि.३०.०६.२००९ अन्वये वर्तमानपत्रात जाहिर लीलाव नोटीस प्रसिध्द करण्यांत आलेली आहे. सदरची मिळकत कलम ५६ नुसार भाडेतत्त्वावर देण्यास मान्यता द्यावी तसेच सदर संस्थेच्या संबंधीत असलेली इतर वक्फ मिळकती ह्या ही वक्फ अधिनियम १९९५ चे कलम ५६ नुसार देण्याचे व शेतीची जमिन लावणीवर देण्याचे अधिकार प्रदान करावे, ही विनंती.

Resolution no.36/2009:

It is hereby resolved and approved as per the list mentioned below:-

- 1) Order dated 29/03/08 for registration and in the matter of formation of Scheme.
- 2) Order dated 17/02/2009 in W.P 1633/08 and 2669/08 by Hon High Court Nagpur Bench, The C.E.O is being delegated power to initiate the proceedings as per the direction of the Hon High Court.
- 3) The action of the C.E.O in the matter of issuing Caution Notice , Tender Notice and Advertisement of the Mehedi Baug Properties is approved .



- 4) To issue notification and Gazette to take over the direct control of the trust properties U/s 65 by the C.E.O.
- 5) To take over the possession of trust /wakf property C.T.S No 1592.and other properties as mentioned in exhibit 249.
- 6) To grant Lease / Launi / Rent of Agriculture land and other Wakf / Trust properties.

विषय क्र. ३.

_____ दर्गा हजरत गैयबनशाह पीर सय्यद अमीनोदिन मलंग बादशाह काद्री (सय्यद जलालोद्दील गैयबनशाह पीर दर्गाह टप दर्गाह अन्धेरी (प) मुंबई) दर्गा मस्जीद, जे.पी.रोड कॉलोनी अन्धेरी (पश्चिम) मुंबई - ५४ च्या व्यवस्थापकीय विश्वस्तामधील फेरफार अर्जावरील निर्णय.

टिपण:-

श्री. अब्दुल रज्जाक अमीनोदिन मलंग बादशाह कादरी यांनी दर्गाह हजरत गैयबनशाह पीर सय्यद अमीनोदिन मलंग बादशाह कादरी (सय्यद जलालोदिन गयबनशाह पीर दर्गाह) च टप दर्गाह अन्धेरी (प) मुंबई - ५४ च्या व्यवस्थापकीय समितीत दि.७.९.२००७ रोजी फेरफार अर्ज दाखल केलेला आहे. त्यांत जुने विश्वस्तांना कमी करण्यासाठी दि.१.९.२००७ रोजी चे ठराव क्र.२ अन्वये ठरल्या प्रमाणे खालील नवीन विश्वस्तांची निवड करण्यात आली. सदरचे विश्वस्त मंडळाची निवडणूक सर्व साधारण सभेत घेण्यांत आली असून सदर संस्थेचे घटनेतील तरतूदीनुसार नवीन विश्वस्त मंडळाचा कार्यकाळ पाच वर्षे राहिल म्हणून मान्यता देणे बाबत विनंती अर्ज प्राप्त झालेला आहे.

श्री. नियाज अहमद नूरमहंमद शेख व मौलाना खलील नुरी व इतर यांनी दि.१२.८.२००७ रोजी बॉम्बे सिटी सिव्हील कोर्ट येथील लवाद एस.सी.एस.क्र. ३४६१/२००४ व मा. उच्च न्यायालय बॉम्बे येथील याचिका क्र. २००७/२००४ सादर करून टप दर्गा ढाके कॉलोनी मुंबई - ५४ च्या बाबतीत या पुर्वी वक्फ मंडळानी घेतलेले निर्णयाची माहिती दिलेली होती. प्रकरणांतील गांभीर्य लक्षात घेता सर्व संबंधितांना या कार्यालयाची नोटीस क्र. मरावम/चौकशी / १६५२०/ २००७ दि. २०.१२.२००७ अन्वये नोटीस देवून दि.११.१.२००७ रोजी सुनावणी ठेवण्यांत आली होती.

सर्व संबंधितांना रजिस्ट्रार्ड पोस्टाने नोटीस पाठविण्यांत आलेली असून त्याची पोहोच संचिकेत उपलब्ध आहे. दि.११.१.२००७ रोजी प्राधिकृत अधिकारी महत्वाचे कामा निमित्त दौ-यावर असल्यामुळे पुढील सुनावणी दि.१६.१.२००८ रोजी घेण्यांत आली सदर दिवशी अर्जदार कडून अॅडव्होकेट निसार अहमद खान हजर होते व गैरअर्जदारापैकी श्री. नियाज अहमद नूरमहंमद व मौलाना खलील नुरी हे ही जातीने हजर होते, इतर गैरअर्जदार गैरहजर होते.

दि.१६.१.२००८ रोजी अर्जदाराकडून अॅड. निसार अहमद खान हजर व गैरअर्जदाराकडून अॅडव्होकेट श्री. अता मुजतबा हजर हाते. तसेच श्री. नेलसन डिक्रूस यांच्या कडून अॅडव्होकेट श्री. शेख हजर झालेत परंतु त्यांनी वकील पत्र दाखल केले नाही त्यांना वकील पत्रासह जवाब दाखल करण्याची सूचना करण्यांत आली. अर्जदार व गैरअर्जदार यांचे



युक्तीवाद एकूण घेण्यांत आले गैरअर्जदार यांनी असा युक्तीवाद केला आहे की, वक्फ मंडळाचे पुर्वीचे आदेशाविरुद्ध अर्जदार यांनी मा. वक्फ न्यायधिकरण औरंगाबाद येथे दाखल केले प्रकरण मा. कोर्टांनी खारीज केलेला आहे. त्यांनी मा. उच्च न्यायालयात CRS No.२२९१५/०७ त्यांचे विरुद्ध अपील दाखल केलेली आहे.

पुढील सुनावणी दि.३०.१.२००८ राजी ठेवण्यांत आली होती त्या दिवशी गैरअर्जदार यांनी त्यांचे लेखी उत्तर दाखल केलेले अर्जदाराकडून लेखी युक्तीवादसाठी एक आठवड्याचा वेळ देण्यांत आला.

वरील विवेचनावरून व संचिकेतील कागदपत्रावरून स्पष्ट होते की, दर्गा गयबनशाह पीर सय्यद अमीनोद्दिन मलंग बादशाह कादरी सय्यद जलालोद्दिन गयबनशाह पीर दर्गाह टप दर्गाह अन्धेरी (प) मुंबई दर्गा मस्जिद जे.पी.रोड ढाके कॉलनी, अन्धेरी (प) मुंबई - ५४ वक्फ अधिनियम १९९५ चे कलम ४३ अन्वये Deemed Registered असून ही श्री. अब्दुल रज्जाक अमीनोद्दिन मलंग यांनी कलम ४० अन्वये अर्ज सादर केलेला आहे. परंतू प्रकरणांत शहर दिवानी न्यायालय, मुंबई येथील एस.एस.एस.क्र. ३४६१/२००४ अन्वये श्री. रौशन खान व इतर विरुद्ध लियाकत खान व नियाज अहमद नूर महमद व इतर यांच्यात सदर दर्गेच्या नोंदणी बाबत वाद निर्माण झाला होता. मा. न्यायालयानी सदर संस्था व त्यामधील पेशईमाम संबंधी आदेश दिलेले आहेत. सदर दर्गेच्या प्रकरणांत मा. उच्च न्यायालय, मुंबई येथे ही याचिका क्र. २००७/२००४ अन्वये वक्फ बोर्डाने दि.३१.१.२००४ रोजी दिलेल्या आदेशाविरुद्ध आव्हान दिले होते त्यात ही मा. उच्च न्यायालय, मुंबई यांनी आदेश दिलेले आहेत.

दि. १.९.२००७ रोजी चे ठरावान्वये सदर दर्गेच्या शेड्यूल - १ मध्ये खालील जुने विश्वस्तांना कार्यकाळ संपुष्टात आल्यामुळे कमी करण्यांत आलेले आहे. सर्व श्री. १. नेल्सन अलबर्ट डिक्रूस २. श्री. महंमद हुसेन अब्बास खंडवाणी , ३. श्री. मुजफर अली मीयाकिना, ४. महंमद उमर यादा, ५. श्री. युसूफ इस्माईल पासंबे, ६. जुम्मा अब्दुल्ला खान, ७. श्री. महंमद यूसूफ असूलानी दरवेश , ८. श्री. राजा एस. विपन, ९. श्री. अमानुल्ला खान , १०. श्री. अब्दुल सत्तार खान, ११. श्री. रोशन खान, १२. श्री. अब्दुल रहमान खान तेरनसकी, १३. श्री. फारूख खान, १४. श्री. नारायण शंकर अंधोरी, १५. श्री. दिलीपशी सोमे.

नवीन विश्वस्तांची खालील प्रमाणे नियुक्ती केलेली आहे.

१. श्री. अब्दुल रज्जाक अमीनोद्दिन मलंग बादशाह कादरी.
२. श्री. अजिज इसहाक मुलतानी , ३. श्री. शौकत अली नदार , ४. श्री. मुसा नानजी मुलतानी , ५. श्री. अब्दुल कयूम खान, ६. श्री. आरीफ आबेद खान, ७. श्री. इम्रान हनीफ बालूची, ८. श्री. महंमद रसूल गुलाम सय्यद, ९. श्री. जुम्मा अ. खान, १०. श्री. हकीम रशीद खान, ११. श्री. सालम अली चाऊस .

वरील प्रमाणे फेरफार अर्जा सोबत अर्जदार यांनी अनूसूचि- १ दि.१.२.२००७ रोजीचे ठराव क्र. २ ची प्रत, श्री.अब्दुल रहेमान खान व इतरांचे एकूण पाच दि.५.१.२००७ च प्रतिज्ञापत्र, दि.७.९.२००७ रोजीचे संमतीपत्र दाखल करण्यात आलेले आहे.



परंतु सदर संस्थेचे योजने मधील कलम ८ नुसार विश्वस्तांची निवड गुप्त मतदाना द्वारे करण्याची तरतूद असून अर्जदारांनी दि.१.२.२००७ रोजी श्री. अजिज इसहाक मुलताणी व इतरांनी घटनेतील तरतूदीचे उलघ्न करून ठराव क्र. २ नुसार विश्वस्तांची निवड केलेली आहे.

महाराष्ट्र शासन राजपत्र दि.१३.११.२००३ चे पुष्ट क्रमांक १७१०/२२६ मध्ये सदर दर्गा जे.पी.रोड ढाके कॉलोनी रोड अन्धेरी (प) ५४ ची डब्ल्यु बी - १४६८ अन्वये नोंद प्रसिध्द झालेली असून सदर दर्गेच्या व्यवस्थापना संबंधी वाद व तंटे भाडणे असल्यामुळे सखोल चौकशी करून महाराष्ट्र राज्य वक्फ सभा दि.२८.४.२००५ ठराव क्र. १६ अन्वये ठरल्याप्रमाणे वक्फ अधिनियम १९९५ चे कलम ६५ प्रमाणे कार्यवाही करणे सरळ (Under direct Control) मंडळाचे अधिपत्याखाली घेवून तशी महाराष्ट्र शासन राजपत्र दि.१६.२.२००६ मध्ये अधिसूचना प्रसिध्द करण्यांत आलेली आहे. या निर्णया विरुध्द श्री. महंमद अब्बास खंडवाणी व इतर यांनी मा. उच्च न्यायालय मुंबई येथील याचिका क्र. १३१६/०६ अन्वये अपील दाखल केले होते. मा. उच्च न्यायालयांनी दि.८.१२.२००६ राजीच्या शासनाचे आदेशान्वये मा. धर्मदाय आयुक्त यांचे अध्यक्षतेखाली पाच सदस्य कमेटी गठीत करून वक्फ किंवा ट्रस्ट या संबंधी तपसणी करून अहवाल सादर करण्याचे आदेशित केल्याप्रमाणे शासन गठीत पाच सदस्य समितीने सर्व संबंधितांना बोलावून त्यांचे यूक्तीवाद ऐकून घेवून दि.१४.२.२००७ रोजीच्या निष्कर्षान्वये सदर दर्गाह वक्फ संस्था असल्याचा अहवाल सादर केल्या प्रमाणे मा. उच्च न्यायालय मुंबई यांनी दि.२७.८.२००७ रोजी शासन गठीत समितीचा अहवाल ग्राह्य धरून सर्व संबंधितांना वक्फ मंडळाकडे रूजू व्हावे म्हणून आदेश पारित केलेल आहे व वक्फ मंडळाने या पुर्वीच घेतलेल्या निर्णय नुसार दि.१६.२.२००६ रोजी महाराष्ट्र शासन राजपत्रात वक्फ अधिनियम १९९५ चे कलम ६५ अन्वये कार्यवाही करून अधिसूचना प्रसिध्द करून सदरची वक्फ संस्था सरळ निगराणीत घेतलेली असून सदर संस्थेची घटना निलंबित झालेली आहे व सदर दर्गेचे मस्जीदचे व्यवस्थापन देखरेख, संरक्षण, इत्यादीसाठी वक्फ मंडळाने अॅडहॉक समितीत पुढील सहा माहिण्यासाठी पुर्वनियुक्त करून त्यांनी मस्जीदचे व्यवस्थापना करीता पाच वर्षांचे कालावधीसाठी निवडणूक घेवून नवीन विश्वस्तांची नियुक्ती करून तसा फेरफार अर्ज नोंदविणेसाठी या कार्यालयास सादर करावे या निष्कर्षाप्रत मी आलेलो आहे.

अर्जदार श्री. अ. रज्जाक अमीनोद्दिन बादशाह कादरी चे दर्गाह हजरत गैयबनशाह पीर सय्यद अमीनोद्दिन मलंग बादशाह कादरी ढाके कॉलोनी मुंबई अन्धेरी (पश्चिम) मुंबई- ५४ चे व्यवस्थापकीय विश्वस्ता मधील फेरफार अर्ज दि.७.९.२००७ नामंजूर करण्यांतयेत आहे.

२. सदरची वक्फ संस्था वक्फ अधिनियम १९९५ चे कलम ६५ मधील तरतूदीनुसार कार्यवाही करून महाराष्ट्र राज्य वक्फ मंडळानी या पुर्वीच महाराष्ट्र शासन राजपत्र दि.१६.२.२००६ रोजी अधिसूचना प्रसिध्द करून सदर संस्था वक्फ मंडळाचे सरळ अधिपत्याखाली (Direct Control) घेण्यांत आलेली असल्यामुळे गैरअर्जदाराचे बाबतीत निर्णय घेण्यांची आवश्यकता नाही.

३. सदर दर्गाह मस्जीदचे व्यवस्थापना देखरेख व संरक्षणासाठी या पुर्वीच वक्फ मंडळानी त्यांचे आदेश क्र. MSBW/Ch-३९४/२००६ दि.१२.१०.२००६ अन्वये नेमलेले सुपरवायझर ची आवश्यकता नसून अॅडहॉक कमेटी खालील प्रमाणे सहा महिन्यांचे कालावधी करीता नियुक्त करण्यात येत आहे.

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| १. जनाब नियाज अहमद नूर महंमद साहाब | ४. जनाब मजहर हुसेन महंमद इस्माईल |
| २. जनाब अझहर उस्मान शेख | ५. जनाब खलीलुर रहेमान नूरी |



३. जनाब रफीक इस्माईल शेख
४. वरील प्रमणे स्थापीत केलेली अॅडहॉक कमिटीने पुढील सहा महिन्यात सदर दर्गाह मस्जीद परिसरातील भाविकांची गुप्त पध्दतीने निवडणूक घेवून निवडून आलेल्या विश्वस्तांची यादी सह अहवाल सादर करून रितसर फेरफार अर्ज सादर करावा.

वरील निर्णय घेणे बाबत विचार व्हावा, हि विनंती.

Resolution no.37/2009:

It is hereby resolved and approved to appoint the committee as per the above suggested proposal and the committee will conduct the Elections with in Six Months.

विषय क्र. ४:- मा. उच्च न्यायालय खंडपिट, नागपूरचे आदेशानुसार शक्कर बावली ऐदलाबाद ता. समुद्रपूर जि. वर्धा ची योजना तयार करण्यांतस वक्फ अधिनियम १९९५ चे कलम ६९ अन्वये अधिकार प्रदान करणे बाबत.

टिपण:-

शक्कर बावली ऐदलाबाद ता. समुद्रपूर जि. वर्धा चे प्रकरण मा. उच्च नयायालय खंडपिट, नागपूर येथील याचिका क्र. ३७२/२००७ मध्ये दि. १५.०८.२००८ रोजी मा. उच्च नयायालयानी खालील प्रमाणे आदेश दिलेले आहेत.

Since the matter is an old one The Wakf Board is hereby directed to decide the application filed by the petitioners under section 69 of the Act of 1995 as early as possible and positively within a period of four months from the date of the first appearance of all the parties before the wakf Board. The parties undertake to appear before the wakf Board on 4.11.2008.

प्रकरणांत सर्व संबंधित वक्फ मंडळाचे मुख्यालयात दि.४.११.२००८ रोजी हजर झाले असून प्रकरण निकाली काढण्यासाठी वक्फ अधिनियम १९९५ चे कलम ६९ अन्वये अधिकार प्रदान करणे बाबत विचार व्हावा हि विनंती.

विषय क्र. ५:

मा. उच्च न्यायालय खंडपिट, नागपूर येथील याचिका क्र. १२७११, १२७१२/०७, मध्ये दि.१३.०२.२००८ रोजी झालेल्या आदेशानुसार नगीना मस्जीद, मालेगाव च्या व्यवस्थापनासाठी व्यवस्थापकीय विश्वस्तांची नियुक्ती करणे बाबत..

ठराव :

मा. उच्च न्यायालय खंडपिट, नागपूर येथील याचिका क्र. २१७११, १२७१२/०७ मध्ये दि.१३.०२.२००८ रोजी मा. उच्च न्यायालयानी खालील प्रमाणे आदेश दिलेले आहेत.

In view of the matter, we dispose of the petition with a direction to the wakf Board to conclude the proceedings about the appointed of proper managing committee as early as possible and in any case with is a period of ten weeks from the date of communication of this order.

So far as the issue about the interim arrangement in wakf Board to consider this issue and take appropriate decision thereon with in a period of the of fifteen days from the date of appearance of the parties before the wakf Board.

सदर मस्जिदीचे व्यवस्थापनासंबंधी थोडक्यात माहिती खालील प्रमाणे सादर करण्यांत येत आहे.

नगीना मस्जिद वार्ड नं. २, मालेगाव जि. वाशिम ची नोंदणी चा अर्ज फयाज शाह महमूद शाह रा. मालेगाव यांनी सादर केले असल्याने या कार्यालयाचे पत्र क्र. MSBW/REG- ७११९ / २००६ दि.२७.१२.२००६ अन्वये MSBW/ 9 / 2006 दि.२०.१२.२००६ अन्वये नोंदणी करण्यांत आलेली आहे. सदर मस्जिदचे व्यवस्थापनासाठी फयाज शाह यांनी व्यवस्थापन समितीची निवड करून त्यास मान्यता देणेसाठी दि.२५.१२.२००६ रोजी अर्ज सादर केल्या प्रमाणे प्रकरणांत या कार्यालयाचे पत्र क्र. वक्फ /संकीर्ण / ७१४१ / २००६ दि.२९.१२.२००६ अन्वये नोटीस निर्गमित करण्यांत आलेली असून जनाब सय्यद अब्बास सय्यद गफूर यांनी आक्षेप सादर केलेला होता. आक्षेपात त्यांनी असे नमूद केले की सदर मस्जिदचे व्यवस्थापना आम्ही सुरुवातीपासून करीत आलो आहोत व भूमि अभिलेख मालेगाव च्या अभिलेखात नमूना ड मधील आमंचे नावाची नोंद आहे म्हणून अर्जदारानी दाखाल केलेली व्यवस्थापकीय समितीस मान्यता देऊन प्रकरणांत सविस्तर सुनावणी झालेली आहे. दरम्यानच्या काळात दोन्ही समितीमध्ये आपसात भांडण झाल्याने या कार्यालयाचे आदेश क्र मरावम/संकीर्ण / १५४२९/ २००७ दि. १३.०९.२००७ अन्वये आहे त्या परिस्थिती ठेवण्याचे आदेश देण्यांत आलेले होते. परंतु गैरअर्जदारानी सदर चे आदेशास मा. उच्च न्यायालय खंडपिठ नागपूर येथील याचिका क्र. ४२२८/२००७ अन्वये अहवान दिल्याने मा. उच्च न्यायालयानी महाराष्ट्र राज्य वक्फ मंडळास वरील प्रमाणे आदेश दिलेले आहे. सदर संस्थेची कोणतीही योजना नसून दोन्ही पक्षकराकडून सुनावणी योजना सादर करण्याचे सूचना सादर करण्यांत आल्याने संबंधीतांनी आपआपली योजना निर्णयास्तव सादर केलेली आहे. सदर योजनेच्या मंजूरीसाठी वक्फ अधिनियम १९९५ चे कलम ६९ अन्वये अधिकार प्रदान करणे बाबत विचार व्हावा, ही विनंती.

Resolution no.38/2009:

It is hereby resolved and approved that C.E.O is delegated to take action as per the above Order.

विषय क्र- ६:

नगीना मस्जीद, पुसद जि. यवतामळ च्या व्यवस्थापकीय विश्वस्तांची नियुक्ती व त्यासाठी योजनेस मान्यता देण्यास वक्फ अधिनियम १९९५ चे कलम ६९ अन्वये अधिकार प्रदान करणे बाबत..

टिपणः-

नगीना मस्जीद, पुसद जि. यवतामळ ही वक्फ संस्था मुंबई सार्वजनिक विश्वस्त अधिनियम १९५०च्या तरतूदीनुसार बी- २४ अन्वये नोंदणीकृत वक्फ संस्था असून सदर संस्थेच्या व्यवस्थापकीय विश्वस्तामधील जनाब रफीक अहमद हाजी नजीर यांनी दि. ०४.०६.२००५ रोजी फेरफार अर्ज सादर करून मान्यता देणे बाबत विनंती अर्ज केलेला आहे. प्रकरणांत जनाब एकबाल अहमद कादरी व इतर यांनी आक्षेप अर्ज सादर करून सदर संस्थेची योजना नसल्याचे निदर्शनास आणून दिलेले आहे. प्रकरणांत सुनावणी होऊन योजना नसल्याने निर्णयासाठी प्रलंबीत आहे.

तसेच मस्जीदचे व्यवस्थापन व मनमानी कार्यभारा विरुद्ध जनाब एकबाल अहमद गुलाम रसूल अहमद कादरी यांनी सदर मस्जीदचे विश्वस्तांच्या विरुद्ध वक्फ अधिनियम १९९५ चे कलम ७० अन्वये दि.२७.०५.२००५ रोजी चोकशी अर्ज दाखल केलेला आहे. प्रकरणांत सविस्तर सुनावणी झालेली असून सदर चे प्रकरण योजना नसल्याने निर्णयासाठी प्रलंबीत आहे.

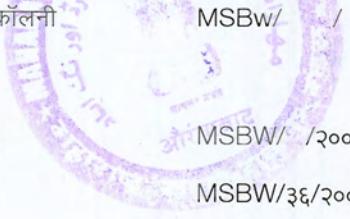
सदर मस्जीदचे व्यवस्थापनासाठी योजना सादर करून त्यास मान्यता द्यावी म्हणून जनाब महमद एजाज शेख हमजा व इतर आठ लोकांनी विश्वस्तांना प्रतिवादी करून वक्फ अधिनियम १९९५ चे कलम ३२, ६९ अन्वये प्रकरण दाखल केलेले आहे. प्रकरणांत सविस्तर सुनावणी होऊन निर्णयासाठी प्रलंबीत आहे. सदर मस्जीदचे व्यवस्थापनासंबंधी वादाचा निपटारा व्हावा त्यासाठी मॉडेल योजना तयार करून त्यास मान्यता देणे आवश्यक आहे. त्यासाठी वक्फ अधिनियम १९९५ चे कलम ३२ व ६९ अन्वये अधिकार प्रदान करणे बाबत विचार व्हावा ही विनंती.

तसेच महाराष्ट्रातील विविध जिल्ह्यामधील वक्फ संस्थांच्या खालील प्रमाणे योजनेचे अर्ज कार्यालयास प्राप्त झालेले आहे.

अ.क्र.	संस्थेचे नांव	नोंदणी क्र.	प्राप्तीचा दिनांक
१.	बाडी मोहल्ला मस्जीद व कब्रस्तान ट्रस्ट भडगाव जि. जळगाव.	MSBW/८३/०८.	दि. १६.१०.२००८.
२.	इस्लामीक कब्रस्तान मॅनेजिंग कमिटी माहूर ता. माहूर जि. नांदेड.		दि.०५.१२.२००७.
३.	सुन्नी मुस्लीम जामे मस्जीद सोनांबे ता.सित्रर जि. नाशिक.	MSBW/५२/०६ (N)	दि.०६.०२.२००८.
४.	कब्रस्तान व दर्गा हजरत हिरेखान बाबा रहे. सोनांबे ता.सित्रर जि. नाशिक.	MSBW/५३/२००६	दि.
५.	भडगाव शहर मुस्लीम इदगाह भडगाव ता. जि. जळगाव.	MSBW/८४/२००८	दि.१६.०४.२००८.
६.	मस्जीद पंचायत दिंडोरी	MSBW/	दि.२०.०२.२००७



- ता. दिंडोरी जि. नाशिक.
७. अरबी मदरसा रजा-ए-मोहम्मदीया
ट्रस्ट मेहरूण जळगाव. MSBW/७०/२००८ दि. ०१.०८.२००८.
८. सय्यदवाडा मस्जिद भडगाव MSBW/५०/२००८ दि. ०१.०८.२००८.
ता. भडगाव जि. जळगाव.
९. मस्जिद-मदरसा इंद्रानगर भडगाव MSBW/५६/०८ दि. २९.०७.२००८.
जि. जळगाव.
१०. मदरसा मोहम्मदीया अरबीया MSBW/ दि. १५.०५.२००८.
मदीना मस्जिद कराड जि. सातारा.
११. मुलाणी मस्जिद शिक्रापूर ता. शिरूर MSBW/०६/०६ दि.
जि. पुणे.
१२. पीर सुर्ख अब्दाल सहाब दर्गा ट्रस्ट MSBW/३५/०८ दि. २०.०२.२००८.
वंदनगड ता. वाई जि. सातारा.
१३. मस्जिद देवसाडी ता. नेवासा जि. अहमदनगर. MSBW/ / दि. १५.०२.२००८.
१४. मुसलमान पंच म्हसावद (ईस्ट) MSBW/ ६९/ २००८ दि. ०१.०८.२००८.
म्हसावद जळगाव.
१५. मेमन मस्जिद टंडेल मोहल्ला MSBW/ २०/ २००७ दि. ११.०३.२००८.
भिवंडी.
१६. सुन्नी जामा मशीद व मदरसे इसलामीया MSBW/७१/२००८ दि. ०४.०८.२००८.
घाटकोपर मुंबई .
१७. दर्गा शरीफ मस्जिद देवलगाव MSBW/५०/२००८ दि. ०७.११.२००८.
१८. मस्जिद व मदरसा अहले सुन्नत ख्वाजा MSBW/NSK/१५६/०८ दि. ३१.०१.२००९.
गरीब नवाज शेख खानखा अशरफीया
हसनी सरकारे कला दर्गा मालेगाव जि. नाशिक.
१९. हजरत पीर ख्वाजा दाऊद रहे. अक्कलकोट MSBW/SLR/४२/०९. दि. २९.०१.२००९
जि. सोलापूर.
२०. मिनारा मस्जिद ट्रस्ट, मौलाना आझाद रोड MSBW/११४/०८ दि. १४.०५.२००८.
मुसलमान गल्ली भगूर जि. नाशिक.
२१. कच्छी मुस्लीम मस्जिद ट्रस्ट, पुलगाव MSBW/२०/२००७ दि. ०२.०३.२००९.
जि. वर्धा.

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22. मस्जिद अहबाब ट्रस्ट अहबाब कॉलनी नागपूर. MSBW/ / दि.०२.०३.२००९.
24. कमरोद्दीन मस्जिद ट्रस्ट , पुणे. MSBW/ /२०० दि.२५.०३.२००९.
25. वाडी बंदर मझगाव मस्जिद मुंबई- १०. MSBW/३६/२००७ दि. १०.०५.२००७.
26. मदरसा मोहमदीया अरेबीया मदीना मस्जिद कराड.
27. जामे मस्जिद श्रीग्राव ता. अलिबाग जि. रायगड.
2८. तकीया भंडारी शाह, पुणे.
2९. पीर सुर्ख दर्गा कराड सातारा.
३०. मस्जिद दवानाईक हल्क वैजापूर जि. औरंगाबाद.
३१. सुन्नी जामा मस्जिद काशीगा ता. पो. मीरा रोड मुंबई-
३२. हजरत इस्माईल शाह दरगाह और नूरानी मस्जिद मुंबई -पुणे रोड, निगडी पुणे.
३३. जमातुल मुस्लीमीन मलाड वेस्ट मुंबई- ६४.
३४. सय्यद आशिक शाह बुखारी दर्गा मस्जिद ट्रस्ट, मुंबई.
३५. टेंभी मस्जिद ट्रस्ट, ठाणे.
३६. बडेपीर दर्गा समडोळे ता. मिरज जि. सांगली.
३७. डांगे मस्जिद रहिमतपूर ता. कोरेगाव जि. सातारा.

वरील प्रमाणे विविध संस्थांनी वक्फ अधिनियम १९९५ चे कलम ३२, ६९ नुसार योजना सादर केलेले आहे. या योजनेत चौकशी करणे संबंधी व त्यावर निर्णय घेण्यासाठी कलम ३२, ६९ चे अधिकार प्रदान करणे बाबत विचार व्हावा हि विनंती.

Resolution no.39/2009:

It is hereby resolved and approved as proposed and C.E.O is delegated powers u/s 32 (except sub section (j)).



३२.

विषय क्र. ७:-

वक्फ अधिनियम १९९५ चे कलम ६४,४० नुसार वक्फ मंडळाकडे प्राप्त झालेल्या अर्जावर चौकशी करून निर्णय घेण्याचा अधिकार प्रदान करणे बाबत.

महाराष्ट्रातील विविध जिल्ह्यांमधील वक्फ संस्थांच्या खालील प्रमाणे वक्फ अधिनियम १९९५ चे कलम ६४ अन्वये अर्ज कार्यालयास प्राप्त झालेले आहे.

अ.क्र.	संस्थेचे नांव	पक्षकार
१.	बारा इमाम मस्जिद ट्रस्ट, अहमदनगर.	शेख शकूर विरुध्द शो नूर महंमद
२.	मदरसा तालीमुल कुरआन मकबरा मोतेबर सहाब मकबरा मस्जिद पीर सादिक अली बाबा दर्गा, कल्याण..	सय्यद असद अली विरुध्द महबूब फतेमाई
३.	सय्यद हाजी हमीद तकिया सावेडी जि. अहमदनगर..	स. खमरुत्रीसा असगर अली विरुध्द स हाजी हमीद तकिया ट्रस्ट व इतर
४.	दर्गा जुम्मन शाह बुखारी रहे. चांदवड जि. नाशिक.	हाजी हमीद तकिया लाल शाह भिकना इह कदीर विरुध्द मुसरत खान व इतर
४.	मस्जिद अमदाबाद शिरूर जि. पुणे..	जुमामोदीन शेख विरुध्द महमद खान पठाण
५.	पीर सहाब बाहादुर शाह दर्गा आगाशी..	शेख शब्बीर विरुध्द शेख मुमताज
६.	क्वार्टरगेट मस्जिद, मुंबई-	मोमीन अन्वर व इतर विरुध्द शेफीखुरहमान व इतर
७.	पीर सय्यद इस्हाक कादरी जुन्नर जि. पुणे..	मुजप्फर हुसैन विरुध्द खुत्बेआलम पीरजादे व इतर
८.	दर्गा मस्जिद औसाफ खान	मन्सूर शाह



	मांडकी जि. औरंगाबाद..	विरुध्द
९.	दर्गा खाजा मगदूम शाह अन्सारी पात्रूड ता. माजलगाव जि. बीड.	कमर कुरशीद स. गुलाम हुसैन अ. सलीम पिता अलीम व इतर विरुध्द अ. मोहतसीम अ. नईम व इतर
१०.	हजरत ख्वाजा मन्सूरुल हसन शाह खुतुबुल औलिया, मुंबई.	सूफी सय्यद वसीउर्रहमान व इतर विरुध्द
११.	मुस्लीम जमात जामा मस्जीद देहू रोड , पुणे.	खलील अहमद बाबा असगर हुसैन रज्जाकमियाँ हुसैन साहाब विरुध्द
१२.	हजरत पीर इब्राहीम खलीलुल्लाह दर्गा ट्रस्ट पीरवाडी अचरा जि. सिंधुर्ग.	हाजी मोहम्मद युसुफ गुलाम हुसैन. अब्दुल अली अ. लतीफ मुजावर
१३.	सौदागर मस्जीद व जामा मस्जीद भंडारा.	एजाजोदीन मोहियोदीन खान
१४.	तकीया रौशन अली कादरी निशान गौस पाक शाह बाजार , औरंगाबाद.	
१५.	दर्गा बी बी आई (मा) कब्रस्तान व मस्जीद बारामती , पुणे.	अ. सुलेमान व इतर विरुध्द जब्बार हमीद खान व इतर

वरील प्रमाणे विविध संस्थांनी वक्फ अधिनियम १९९५ चे कलम ६४ नुसार प्रकरण सादर केलेले आहे. या प्रकरणात चौकशी करणे संबधी व त्यावर निर्णय घेण्यासाठी कलम ६४ चे अधिकार प्रदान करणे बाबत विचार व्हावा हि विनंती.

तसेच महाराष्ट्रातील विविध जिल्ह्यामधील वक्फ संस्थांच्या खालील प्रमाणे वक्फ अधिनियम १९९५ चे कलम ४० अन्वये अर्ज कार्यालयास प्राप्त झालेले आहे.

अ.क्र.	संस्थेचे नांव	पक्षकार
१.	दर्गा हुसेन शाह वली व आशूरखाना निमोण ता. संगमनेर जि. अ. नगर.	बाबूलाल खैरुद्दीन ऊर्फ फकीर विरुध्द ग्रामपंचायत नियोग व्दारा ग्रामसेवक
२.	दाऊदभाई मुसाभाई आर्फनेज मुंबई-	
३.	जुम्मा मस्जीद व ट्रस्ट अष्टा ता. वाळवा जि. सांगली .	मस्जीद ट्रस्ट विरुध्द



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| <p>४. मस्तीद बारा इमाम
अहमदनगर.</p> <p>५. सेठ मोहम्मद इब्राहीम हवाबीबी तुंगेकर
ट्रस्ट उरण ता. उरण जि. रायगड.</p> <p>६. मदरसा तालीमुल कुरआन मकबरा
मोतेवर खान शाही मकबरा मस्जीद पीर सादिक
अली बाबा दर्गा कल्याण.</p> <p>७. हिरे खानवाला दर्गा सय्यद जानुल्लाह शाह
जालना.</p> <p>८. सुन्नी कदीना मस्जीद वक्फ सिन्नर
ता. सिन्नर जि. नाशिक.</p> <p>९. लष्करी इदगाह चंद्रपूर.</p> <p>१०. अत्बा-ए-हिमायू ट्रस्ट, नागपूर.</p> <p>११. बैतुल अमान ट्रस्ट नागपूर .</p> <p>१२. दाऊदी अत्बा-ए-मलक वकील ट्रस्ट
नागपूर.</p> <p>१३. जामा मस्जीद चिखली वार्ड क्र. ४ ताड चिखली
जि. बुलढाणा.</p> | <p>तैजी मुसलत यासीन हाशम मुल्ला व
इतर
शेख शकूर
विरुध्द
शेख नूर मोहम्मद व इतर</p> <p>स. असद ली व इतर
विरुध्द
महबूब फत्तेभाई व इतर
वी. बी
विरुध्द
विजयकुमार व इतर
हाजी मुबारक मकबूल शाह व इतर
विरुध्द
नजमा गुलरेज रंजवानी.
अ. हमीद
विरुध्द
खतरी पोटदुखे (लेऔट)
महाराष्ट्र राज्य वक्फ मंडळ
विरुध्द
वक्फ संस्था
महाराष्ट्र राज्य वक्फ मंडळ
विरुध्द
वक्फ संस्था
महाराष्ट्र राज्य वक्फ मंडळ
विरुध्द
वक्फ संस्था
जामा मस्जीद चिखली
विरुध्द
जामा मस्जीद चिखली मार्फत सचिव.</p> |
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वरील प्रमाणे विविध संस्थांनी वक्फ अधिनियम १९९५ चे कलम ४० नुसार प्रकरण सादर केलेले आहे. या प्रकरणांत चौकशी करणे संबंधी व त्यावर निर्णय घेण्यासाठी कलम ६४ चे अधिकार प्रदान करणे बाबत विचार व्हावा हि विनंती.

Resolution no.40/2009:

H:\Minutes Date 26-07-2009.doc

It is hereby resolved and approved as proposed and C.E.O is delegated powers u/s 40,64.

विषय क्र. ८:-

वक्फ अधिनियम १९९५ चे कलम ५१ व ५२ नुसार चौकशी करून घेण्यांत आलेल्या निर्णयास व मागणी पत्रास मान्यता देणे..

टिपण:-

विविध वक्फ संस्थांच्या संबंधीत असलेल्या वक्फ मिळकती बेकायदेशिररित्या हस्तांतरण करण्यात येवून वक्फ मिळकतीची विल्हेवाट लावण्यांत आलेली असून प्रकरणांत वक्फ अधिनियम १९९५ चे कलम ५१ अन्वये सविस्तर चौकशी करून कलम ५२ प्रमाणे आदेश पारित करून मागणीपत्र संबंधीत जिल्हाधिका-यांना पाठविण्यांत आलेले आहे. त्यास मंजूरी मिळावी त्याचा तपशील खालील प्रमाणे आहे.

अ.क्र.	वक्फ संस्थेचे नांव	मिळकत क्र.	क्षेत्र	आदेश पारित करून मागणीपत्राचा क्र. व दिनांक
१	जामा मस्जिद व इदगाह उस्मानाबाद.	स.नं. १६४/५	१९ आर	५०१/२००५ दि.२१.०२.२००५
		स.नं. १०४/१	३ हे.३६आर	५००/२००५ दि.२१.०२.२००५.
२.	जामा मस्जिद, नळदुर्ग ता. तुळजापूर जि. उस्मानाबाद.	स.नं. २८८ १ हे.४९आर		१७४९/२००४ दि.१५.०२.२००४.
३.	मस्जिद चिंचपूर बु. ता. परांडा जि. उस्मानाबाद.	स.नं. ३५५	१ हे.५६ आर	१७४९/२००४ दि.१५.०५.२००४.
४.	दर्गा सय्यद बादशाह सहाब नांदगाव ता. तुळजापूर	स.नं. ५७०	३ हे. २ आर.	१७४२/०४ दि.१५.०५.२००४.
५.	दर्गा गैबनशाह वली गारपीर कब्रस्तान मौ. शेलगाव ता. बदनापूर	स.नं. ९२	१७ एकर	३१८०/०४ दि.०३.०९.२००४.
६.	शाही मस्जिद, परभणी.	स.नं. ६२	२३ एकर २६ गुंटे.	३७०१/२००५ दि.१६.०६.२००५.
७.	मस्जिद वाळूज, ता.जि. औबाद	स.नं. ५१	०५ हे.२३ आर	१६१५६/०७ दि.२१.११.२००७.
८.	दर्गा हजरत मोइनोदीन सहाब राजूरा इदगाह रामपूर जि. चंद्रपूर.	स.नं. २४ स.नं. ४७ व ५६.	०५ ए.३६ गुंटे २२ ए. ३२ गुंटे	४४९६/०६ दि.२५.०७.२००६.
९.	जामा मस्जिद उस्मान नगर , ता. लोहा जि. नांदेड	ग.न. ४३२ ग.नं. ४३३	२ हे. ५३ आर २ हे. २० आर	२०५/२००५ दि.१९.०१.२००५.
१०.	हाजी जकरीया हाजी अहमद पटेल (मो. ऑर्फनेज व अस्तूम फंड) नागपाडा मुंबई- ०८.	ग.न.२४३	१३,८३७,०६ चौ.मि.	(नविन संचिका)

Resolution no.35/2009:

It is hereby resolved and approved as proposed.

ATIYAT

Point - 8

* **Delegation of Power to the CEO of the Board U/s 32, 64, 66, 67, 68 and 69 of the Wakf Act 1995.**

Point no. 1:- Delegation powers under section 63 of the Wakf act 1995 to Chief Executive Officer Maharashtra State Board of Wakfs for appointment of Mutawallis.

Proposal :- The Wakf institution which are being managed and rendered by the hairs of Mutwallis who are expired long back but they have not applied for appointment of Mutawalli nor get sanction of succession from Atiyat Courts such hairs of Mutawalli/Inamdar have applied application for appointment of Mutawalli as per section 63 of the Wakf Act. 1995 to the concerned Regional Wakf Officers / District Wakf Officers and the Regional Wakf Officer and Dist. Wakf Officers has submitted recommendation for appointment of such person as Temporary Mutawalli after recommendation the Maharashtra State Board of Wakfs is have Public Notice in News Paper as per Wakf Rule-2003 in Format "AN" of Rule 27 (ii) calling objection, after expiry of objection period the said matter have to put in Board meeting after approval of Chief Executive Officer. In the office of Maharashtra State Board of Wakfs. There are 25 to 30 proposals are pending and the concerned person are enquiring about their application.

The power of Section 63 of the Wakf Act 1995 regarding the appointment Mutawalli of Wakf institution may be delegated to the Chief Executive Officer of the Maharashtra State Board of Wakfs Aurangabad.

Hence matter submitted for discussion and decision.

Resolution no.41/2009:

It is hereby resolved and approved delegated powers to Chief Exeucitve Officer u/s as proposed. U/s 32, 64, 66, 67, 68 and 69 of the Wakf Act 1995. Except u/s 32 (j).

विषय क्रं. ९

१) वक्फ अधिनियम १९९५ चे कलम ६५ नुसार खालील वक्फ संस्था वक्फ मंडळाच्या सरळ निगराणीत घेणे बाबत विचारविनिमय करून निर्णय घेणे.

१. मस्जिद शाहगंज कला, औरंगाबाद.
२. दर्गा हजरत जरजर जरी बक्ष रहे. हद्दे कला खुलदाबाद.
३. दर्गा हयात किरमानी , रेंगटीपुरा औरंगाबाद.

वरील वक्फ संस्था पैकी मस्जिद शाहगंज कला, औरंगाबाद चे काम पाहत असलेल्या अनाधिकृत मुतवल्ली जनाब सय्यद अहमद समदानी शुत्तारी व इतर यांनी संस्थेचे हिशोब योग्यरित्या हाताळलेले नसून वक्फ मिळकतीसंबंधी स्वतःच्या स्तरावर ब-याच निर्णय घेऊन वक्फ मिळकतीस नुकसान पोहोचविलेले आहे. त्यांच्या विरुद्ध जनाब खलीलुल्लाह अजमतउल्लाह व इतर यांनी तक्रार केल्याप्रमाणे प्रकरणांत चौकशी करून कलम ६३,६४,६५,२५ नुसार या कार्यालयाचे आदेश क्रमांक मरावमं/अतियात-एम-१२५/२०२/२००९ दि. १८.०२.०९ अन्वये आदेश पारित करण्यांत आलेले आहे. सदरची संस्था कलम ६५ अन्वये सरळ वक्फ मंडळाच्या निगराणीत घेण्या बाबत विचार व्हावा ही विनंती.

तसेच दर्गा हजरत जरजर जरी बक्ष रहे खुलदाबाद जि. औरंगाबाद च्या व्यवस्थापकीय समितीने सदर दर्गेच्या हिशोबात रक्कम रूपये ----- ची अफरातफर केल्याचे निदर्शनास आले आहे प्रकरणांत कलम ७० अन्वये चौकशी करण्यांत आलेली असून कलम ७१ अन्वये दर्गा परिसरातील व संबंधीत असलेल्या लोकांकडून जाबजवाब घेण्यात आलेले आहे. एकंदरीत परिस्थिती लक्षात घेता सदर दर्गेचे व्यवस्थापन सरळ वक्फ मंडळाच्या निगराणीत घेतल्यावर दर्गेच्या आर्थिक बाबीवर बारकाईने लक्ष देऊन व्यवस्थापन सुधारण्यास मदत होईल म्हणून सदर संस्था कलम ६५ अन्वये सरळ वक्फ मंडळाच्या निगराणीत घेणे बाबत विचार व्हावा ही विनंती.

दर्गा हयात किरमानी रेंगटीपुरा, औरंगाबाद च्या मुतवल्लीचे निधन झालेले असून त्यांचे वारसांची अद्याप पर्यंत कार्यवाही झालेली नाही व दर्गेच्या संबंधीत असलेल्या वक्फ मिळकतीवरील भाडेकरू व स्वय घोषित मुतवल्ली यांच्यात वाद चालू असून सदर संस्था ही वक्फ अधिनियम १९९५ चे कलम ६५ नुसार वक्फ मंडळाच्या निगराणीत घेणे योग्य होईल.

Resolution no.42/2009:

It is hereby resolved and approved as proposed.

CONSTRUCTION SECTION.

POINT - 9

The following works of Maintenance & repairs by carried out and the amounts of expenditure on this works expended by the this office. the details are given as under.

1. Office building Dist. Wakf Office Parbhani.

The office building of the District Wakf Officer, Parbhani was whose construction is very old due to which necessary repairs were carried out. The Plaster for terrace floor and walls were carried out and for this and amount of Rs. 44066.00 was expended by this office by calling tenders as per procedure laid down by government and was allotted to Sahara Construction Parbhani whose tender was comparatively lowest.

Resolution no.43/2009:

It is hereby resolved and approved Approved

2. In the premises of Panchakki there was a toilet block behind the shops inside of Panchakki which was very old and in a dilapidated condition. there was a need to reconstruct the same for toilet for ladies and gents separately for pilgrims as there are large no. of pilgrims which are visiting the Panchakki. Considering these difficulties the said toilet block has been reconstructed by calling tenders for which an amount of Rs. 118394.00 by spent as per procedure.

Resolution no.44/2009:

It is hereby resolved and approved

3. Outside the Panchakki and nearest to road there were several shops which were removed as they were encroachers and not giving any rent to anybody. As per the norms of archeological deptt, there should no shops in the vicinity of the structure upto 400 meters thus the municipal authorities of Aurangabad removed the same. Now the northern side of wall of Panchakki was in a very shape due to is old construction which was necessary for repair . As the large no. of pilgrims are visiting daily to the Panchakki Considering these facts maintenance and repairs of northern wall and roadside of Panchakki Aurangabad was carried out and expenditure of Rs. 41560.00 was spent following the procedure of tender /quotation.

Resolution no.45/2009:

It is hereby resolved and approved **Approved**

4. In the premises of Dargah Turabul-Haq Parbhani there was a Sarai which was a very old and which was to be renovated and repaired for the shelter of the large no. of pilgrims and visitors / devotees who are visiting the said Dargah which is direct control of the board. the said renovation and repairs was necessary to be carried out. An architect Mr. S.B.S Shuttari was appointed to prepare plan estimate and tenders also. Accordingly the work was allotted by calling tenders. M/s Mariyam Construction Parbhani was allotted this works for an estimated amount of Rs. 476360.00 by following procedure of tender and the said work is nearly completed.

Resolution no.46/2009:

It is hereby resolved and approved **Approved**

5. In the premises of Dargah Turabul-Haq Parbhani it was necessary to construct the Duct for slaughter house for the large no. of pilgrim and devotees who sacrifice the goats for the saints Turabul-Haq. For which an estimated cost of Rs. 98424.00 was spent by this office by calling necessary tenders as procedure in the newspapers.

Resolution no.47/2009:

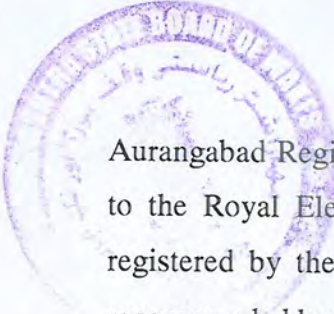
It is hereby resolved and approved **Approved**

6. In the premises of Panchakki there is old Store room and the scrap material was put in that. By removing the old scrap materials the room was repaired for lodging UPS and SERVER etc. for official use. For the repairs an amount of Rs. 7401.00 was expended.

Resolution no.48/2009:

It is hereby resolved and approved

7. In the premises of the Khankha building of Panchakki wherein the Office of the Wakf Board is situated. There is a very old electrical fitting which is not capable to withstand the computerization wiring and bear the load of Inverter , UPS, therefore a new electrical fitting as well as telephonic fitting was felt necessary. So also wiring in Dargah & Masjid were also old. For which electrical wiring and fitting were carried out by this office which has been got technically sanctioned by the Superintending Engineer,



Aurangabad Region (Electrical Circle) P.W.D. Aurangabad. The said work was allotted to the Royal Electricals Aurangabad which is registered labour Co-operative Society registered by the District Deputy Registrar, cooperative societies, Aurangabad and as recommended by him vide letter no. जिउनि/मजूर/कावा/शिफारस/२००९/९३९ दि. २१/०२/२००९ for which an estimated amount of Rs. 528356.00 and the said work is under progress.

Resolution no.49/2009:

It is hereby resolved and approved.

9. Similarly at basement floor at the Khankha building Panchakki there is another toilet block which is at present used for office staff as well as devotees. This block was very old now the reconstruction is necessary to be carried out for which an estimated cost of an amount comes to Rs. 1,10,000.00, and the process is to be going on by calling tenders.

Resolution no.50/2009:

It is hereby resolved and approved

10. In the premises Panchakki Khankha building is used for official purposes of the Wakf Board. Now the Wakf Board office is running for the state level due to which the present building is not sufficient for the present staff. Therefore it is decided to erect MS grills in Verandah to the accounts branch, Audit, Enquiry, Construction, Siyanat Section for which total cost of completion of grills of Rs. 98,791/- has been spent by this office. The work was allotted to M/S New Bharat Fabrication Works, Laxmi Colony Aurangabad by calling tender /quotations.

Resolution no.51/2009:

It is hereby resolved and approved

10. Repairs and Maintenance of Building of Shopping complex Chowk Aurangabad..

The building of Shopping complex chowk, Aurangabad is under direct supervision and the control of the Wakf Board. The building so constructed is very old and since the completion of the construction repairs and maintenance has been made which requires to repair the cost of repairs and maintenance come to near about Rs. 2 Lacs. The work will be allotted by calling tenders in local newspaper as per procedure.

Considering the above facts and situations a confirmation from the Board may be granted.



Resolution no.52/2009:

It is hereby resolved and approved

112. As there was very old existing toilets, urinary blocks in the basement floor of Panchakki for the use of office staff, the same was demolished and reconstruct new blocks of urinal and lavatory for the staff. It is also found necessary to fix the glazed tiles and flooring in the same blocks, an estimate is prepared for this work for Rs. 49241/-. Submits for approval of expenditure.

Resolution no.53/2009:

It is hereby resolved and approved

113. In the premises of Panchakki, there was no any shade at Chakki room for the tourist to see the Chakki and Fan and its working during Rainy season or Summer season, it is found necessary to erect a tin shed to provide facility to the tourists of Panchakki the work carried out with the expenditure of Rs. 26229/-. Submits for approval.

Resolution no.54/2009:

It is hereby resolved and approved

114. The work white wash and necessary repairs is found necessary in the premises of panchakki for which an approximate estimate is prepared for Rs. 27414/- and work got completed by adopting procedure. Submits for approval of expenditure.

Resolution no.55/2009:

It is hereby resolved and approved

115. The Dargah Baba Shah Musafir is built in ancient days by using Red(pinky) colour stones and the Khankha is built by using gray stones. The colour became faint due to which for the beautification it is found better to apply the same colour for good appearance the work carried out by expending a suitable amount of Rs. 33090/- and the work is completed as per procedure. Hence submits for approval of the Expenditure of Rs. 33090/-.

Resolution no.56/2009:

It is hereby resolved and approved

16 The water fall of Panchakki as it is very old, became ugly to look due to fungi and algi. It will better to apply/fix the best quality of vitrified tiles to water fall to become beauty for pilgrims and tourists for which an approximate estimate is prepared for Rs. 34821/-it includes necessary white wash and to mirror wall and coloured to fountain of big cistern. Submits for approval of the estimated amount.

Resolution no.57/2009:

It is hereby resolved and approved.

17 In the khankha building of Panchakki the Office of Wakf Board runs since long. As the higher authority of the administration is in the cadre of Super class I, there was no any facility of toilet/wash room for the authority. hence it is found necessary to arrange a attached toilet block in ante chamber by costing of Rs. 24292/- and the work got completed by adopting necessary procedure. Submits for approval.

Resolution no.58/2009:

It is hereby resolved and approved

1718 In the premises of Panchakki there are two cisterns which are became empty due to stopped Naher Panchakki. Due to which the two cisterns are got cleaned by removing silt and applied white wash, repairs etc before monsoon. The cost came to Rs. 17093/-. Submits for approval.

Resolution no.59/2009:

It is hereby resolved and approved

19. Due to summer season the Naher Panchakki stopped and there is no water for pilgrims and tourists in public lavatories in the premises of Panchakki. A water tank is to be erect, to collect the Municipal water by raising with the electric pump and to provide water supply arrangements in toilet blocks. For this purpose an estimate is prepared for Rs.13628/- and the work carried out by following the necessary procedure. Submits for approval of amount.

Resolution no.60/2009:

It is hereby resolved and approved

19 **20.** In the premises of Dargah H. Shah Noor Hamvi RA. OPsmanpura Aurangabad an old building known as Allawala Dalan used for Sama & pray etc, became weak, especially its terrace and wall plaster, so it is found necessary to repair the same. As the same Institute is under direct supervision of the Board, an approximate estimate is prepared for these works for Rs. 134398/- A notice published in local news paper to call the tenders for this work. A pilgrim of Dargah has deposited Rs. 50,000, for the same and rest amount will be born by the Board. The matter submits for the approval of the Board.

Resolution no.61/2009:

It is hereby resolved and approved

20 ~~21.~~ The Office building District Wakf Office Jalna is very old building belongs to Estate Quaderabad Jalna and it is a Wakf building. The roof of the verandah of hall is in the dilapidated condition and some portion is fallen and became unable to use. To repair and to renovate, an estimate is prepared for the work to remove the old terrace floor of verandah and to fix GI sheets along with other necessary repairs, for Rs. 74785/-. By calling rate lists, the work got completed .submits for the approval of the Board.

Resolution no.62/2009:

It is hereby resolved and approved

21 ~~22.~~ During the summer season, there was scarcity of water for pilgrims and devotees of Darah Syed Alauddin at Rauna Parada Jalna. The wells in the premises become dry, and there is no any other source of water, because of this the water being supplied through tankers every year. By calling different quotations of water tankers, totally 52 tankers of water having capacity of 12000 liters had supplied in which an amount of Rs. 62400/- is spend. The matter is submits for approval of the Board.

Resolution no.63/2009:

It is hereby resolved and approved

21. 23. CONSTRUCTION OF COURT ROOM

Peer Saheb Syed Rahimuddin Dargah Trust, Uran Dist. Raigadh through its trustee Mr. Hanif Bakshi has donated court room to Maharashtra State Board of Wakfs against the No Objection Certificate for development of trust property given by the board. As earlier the hearings were conducted in Chief Executive Officer Chamber which was not comfortable due to over crowding.

Therefore, this is being brought to the knowledge of the Honorable Board Members.

Resolution no.64/2009:

It is hereby resolved and approved

MISC SECTION:-

POINT NO - 10

Point no. 1. *Renewal of Managing committee pertaining to Masjid Hatai at Karbala road, Nanded and framing of Scheme U/s 69 of Wakf Act 1995.*

The period of managing committee of the hatai masjid nanded was extended for another one year by following due procedure of hearing and removing objections if any. The same is put up to the board for approval.

Resolution no.65/2009:

It is hereby resolved and approved

Point no. 2. Janab Mumtaz Siddiqui Mutwalliya, Mehmooda Shikshan and Mahila Gramin Vikas Bahu Uddeshiya Wakf Sanstha Nagpur was submitted application on 17-10-2008 for recommendation of loan to the extent of Rs. 1 crore 50 lakhs from C.W.C. New Delhi for construction of polytechnic building of S. No. 25/1, Ph 12 Mauza Lonara District Nagpur.

The proposal was sanctioned in Maharashtra State Board of Wakfs meeting dated 21-11-2008 vide resolution no. 113/2008 the that proposal may be sent to CWC through State Government for loan.

The Desk Officer Minority Development Department through letter no. Wakf /01/2009 dated 21/2/2009 send to copy of noting of Principal Secretary Minority Development Department, stating that unless the Wakf Board is a CO-borrower, Government sanction u/s 75 of Wakf Act 1995 not warranted. Hence a clear resolution of the Wakf Board needed whether it is a CO-borrower.

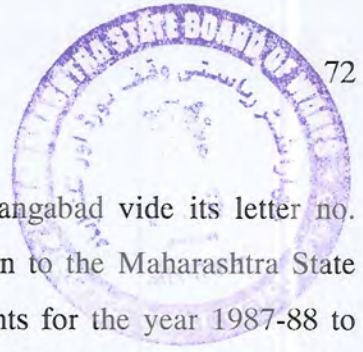
Hence the matter is submitted to consideration and decision.

Resolution no.65/2009:

It is hereby resolved to call project report.

AUDIT SECTION

POINT NO -11



1. The Deputy Chief Auditor (Local Fund Audit) Aurangabad vide its letter no. स्था.१८/ब/औरंग/ले.प.शुल्क/१०२८ दि. १०-०४-२००८ & 36 reminders given to the Maharashtra State Board of Wakfs in respect of his fees of the audited accounts for the year 1987-88 to 1995-96 of Rs. 161205.00 & also for the year 1996-97 to 2001-02 an amount of Rs. 358495.00 Total amount 519700.00 further also inform that now the audit is being conducted for the year 2002-03 to 2006-07 from dated 21/08/2007. Considering the demand of Deputy Chief Auditor (Local Fund Audit) Aurangabad is very old and reminding several times to the Board which needs to be paid a lumsum amount from the total demand of Rs. 519700.00. at present we may pay Rs. 200,000/- only.

Hence this proposal is submitted for the part payment of fees to the Deputy Chief Auditor (Local Fund Audit) Aurangabad.

Hence the proposal is kept in Board meetings for discussion and decision.

Resolution no.66/2009:

It is hereby resolved and approved that the above amount be paid.

2. Approval of Facilitation center for Nagpur for Vidarbha Division.

The Maharashtra State Board of Wakf vide its resolution no.28/2008 dated 03/04/08 started the Facilitation center at Nagpur for Vidharba Division by appointing to Mrs. S. Mirza, Prop. R.T. Mirza & associate subject to condition that remuneration of center shall be @ Rs. 15000.00 p.m. two percents, rate of premises etc.+ 30% of the collection of Wakf Fund and also expenses on travel and camp we paid Rs. 5000.00 p.m. and also the contingencies like postage, stationery, and telephone etc. shall be reimbursed on actual and the term of center is for period of five years from 1st May 2008. Accordingly an agreement on dated 30/04/08 was taken place in between Maharashtra State Board of Wakfs and Mrs. S. R. Mirza. This facility was to be terminated as per the resolution no 64/2008 of dated 06/10/08 meeting, but due to some reasons staff could not be posted at Nagpur and Amravati in time, so as and when wakf board staff will be posted at these places janab mirza's facility centre for this purpose and sanction will be stopped thereafter. Till then his centre will function as per the sanction. Hence the proposal is put up in Board's meeting for discussion and decision.

Resolution no.63/2009:

It is hereby resolved and approved

3. Consideration for Increase in Wakf Fund from Mutwallies and Management Committees for agricultural land cultivated by them.

There are several Wakf Institution and its properties are under the control of Mutwallis / Committees in Marathwada region and these Mutawallis / Committees are paying the Wakf Fund @ Rs 25/- per acre of land cultivated by him . Now it is proposed that Rs. 60.00 per acre Wakf Fund may be charged for dry land and Rs. 100.00 per acre for irrigated land.

Hence the proposal is kept in Board meetings for discussion and decision.

60 rupees of ordinary dry land and 100 rupees of agri land (land area)

4. Fixation of rate of Wakf fund @ 2% on gross income

The Board was resolved in its meeting held on 3-4-2008 vide resolution no. 20 and approved the special scheme of charging Wakf fund @2% from Wakf institution and this amnesty scheme had been approved only for 6 months.

It is stated that most of the trustees of Mutawallis are filling their objection regarding the rate of Wakf fund. It is therefore proposed that the rate of Wakf fund may be charged @2% on gross income so that maximum Wakfs can enrolled with Wakf Board and income can be increased.

Submitted for discussion and decision

Resolution no.68/2009:

It is hereby resolved and approved

ACCOUNTS

POINT NO - 12

1. Submission of Budget of the Maharashtra State Board of Wakfs for the year 2008-09.

- 1) Income & expenditure

Resolution no.69/2009:

It is hereby resolved and approved

2. Proposal Of Revision Of Rates Of Services Rendered By Board

Proposal :- Maharashtra State Board of Wakfs is not receiving any grants in aid from Government of Maharashtra and the Board is facing financial crisis due to increased expenses, therefore, it is felt necessary to revise the rates of services rendered by the Board. The undersigned is duty bound and also authorised to take the necessary step for the maintenance and superintendence of the Wakfs under section 25 (1) (c) of the Wakf Act, 1995.

The board had resolved in its meeting of 4/11/07 vide resolution no 5/2007 that the rates applicable would be as below:

STATEMENT "A"

Sr. No.	Particular	Paper size	Urgent Fees	Ordinary Fees
1.	Registration of Wakfs Institution / Trust		Rs. 1000/-	Rs. 500/- new Registration Rs. 400/- Deemed Registration
2.	Marriage Certificate		Rs. 500/- (for Marathwada) Rs. 1000/- for out side Marathwada)	Rs. 400/- for Marathwada Rs. 700/- for outside Marathwada
3.	Certified Copy Statement	A-3 per page	Rs. 40/-	Rs. 30/-
4.	Certified Copy	A-4 per page	Rs. 30/-	Rs. 20/-
5.	Certified Copy of Map		Rs. 100/-	Rs. 50/-
6.	Inspection fees for files		Rs. 20/-per hour	Rs 20/- per hour
7.	Search Fees (files)		Rs. 40/- per hour	Rs. 20/- per hour
8.	Search Fees (Record)		Rs. 500/- (one year) Rs. 200/- (Addition per year	Rs.250/- (for one year) Rs. 100/- (addition per year)
9.	No Objection Certificate		Rs. 500/-	Rs. 250/-
10.	Application Fees		10/-	Rs.10/-
11.	Appointment of New Managing Committee		200/- per member	Rs. 100/- per member
12.	Renewel of Managing Committee		Rs. 100/- per change	Rs. 50/- per member

13.	Change Report		Rs. 500/- per change	250/- per change
14.	Farming Scheme		Rs. 1000/-	Rs. 500/-
15.	Publication of Notification /corrigendum in Government Gazette		Rs. 1000/-	Rs. 500/-
16.	Site Inspection fees, process fees and information under RTI.		Minimum Rs. 100 or As per actual expenses	Minimum Rs. 200 or As per actual expenses

The revised rates proposed for the services rendered by the Maharashtra State Board of Wakfs, are as follows.

The rates to be revised are as below

Sr. No.	Particular	Paper size	Urgent Fees	Ordinary Fees
1.	Registration of Wakfs Institution / Trust		Rs. 1500/-	Rs. 800/- new Registration Rs. 600/- Deemed Registration
2.	Marriage Certificate		Rs. 700/- (for Marathwada) Rs. 1500/- for out side Marathwada)	Rs. 600/- for Marathwada Rs. 1000/- for outside Marathwada
3.	Certified Copy Statement	A-3 per page	Rs. 50/-	Rs. 40/-
4.	Certified Copy	A-4 per page	Rs. 40/-	Rs. 30/-
5.	Certified Copy of Map		Rs. 150/-	Rs. 80/-
6.	Inspection fees for files		Rs. 30/-per hour	Rs 30/- per hour
7.	Search Fees (files)		Rs. 50/- per hour	Rs. 40/- per hour
8.	Search Fees (Record)		Rs. 1000/- (one year) Rs. 300/- (Addition per year	Rs.500/- (for one year) Rs. 200/- (addition per year)
9.	No Objection Certificate		Rs. 2000/-	Rs. 1000/-
10.	Application Fees		20/-	Rs.20/-
11.	Appointment of New Managing Committee		500/- per member	Rs. 300/- per member
12.	Renewal of Managing Committee		Rs. 300/- per change	Rs. 100/- per member

13.	Change Report		Rs. 1000/- per change	500/- per change
14.	Framing Scheme		Rs. 1000/-	Rs. 500/-
15.	Publication of Notification /corrigendum in Government Gazette		Rs. 2000/-	Rs. 1000/-

The new rates will take effect from 01-08-2009.
Hence the matter is submitted for discussion and decision.

Resolution no.70/2009:

It is hereby resolved and approved

COMPUTER SECTION

POINT NO – 13

1 Confirmation of purchase of Computers, Printers, Server, Scanner & Online UPS, from the donation received from various trusts.

The board in its previous resolution has already sanctioned /approved the proposal for computerization of the offices work, such as registration, enquiry, audit, cases, accounts , resuming the website which was closed etc., Maharashtra State Board of Wakfs Aurangabad has sanctioned previously for purchase of the Computers, Printers, Server, Scanner, Online UPS, Postal Franking & Weighing Machines and most of these Items has been purchased by obtaining Donations from the trustees their cost is given as follows:-

- | | |
|--|----------------|
| 1. 5 Computers | Rs. 1,77,320/- |
| 2. 6 Printers | Rs. 1,12,305/- |
| 3. 1 Server | Rs. 1,04,000/- |
| 4. 1 Scanner | Rs. 35,880/- |
| 5. 1 Online UPS | Rs. 3,77,945/- |
| 6. 1 Postal Franking & Weighing Machines | Rs. 93,348/- |
| 7. Work of Software Development Website
Transfer & Updating Data information etc. | Rs. 65,000/- |

All these purchases were made from the agencies under rate contract of government. Website development, and software development was done by calling quotations from reputed firms.

Hence the above proposal is kept before the Honorable Board Members for their knowledge and approval.

Resolution no.71/2009:

It is hereby resolved and approved

Establishment Section

POINT NO – 14

1) :-Release of interest bearing loan to the Wakf board employees

Proposal:- As per Board's resolution no. 19/2005 dated 22/02/2005 loan upto 25,000/- is sanctioned to the employees as per their requirement. The loan is being recovered @ Rs. 1000/- pm in 25 equal installment and interest 8.50% the interest applied as per G. R. of govt of Maharashtra for HBA will be applied and recovered after the recovery of principal amount.

(Statement showing the release of loan to the employees of Maharashtra State Board of Wakfs Aurangabad

Sr. No.	Name of employees	Post	Amount	Order no. & date	Remarks
01	Smt. Aqeela Banu	Malan	25000.00	1644/09 20-04-2009	Loan is being recovered @rs 1000/- p.m. from salary.
02	Smt. Kamal Bai	Malan	25000.00	1645/09 20-04-2009	Loan is being recovered @rs 1000/- p.m. from salary.
03	Mr. Kazi Sharekh	Clerk	25000.00	1646/09 20-04-2009	Loan is being recovered @rs 1000/- p.m. from salary.
04	Mr. Sayed Faiz	W.O. Abad	25000.00	1681/09 21/04/2009	Loan is being recovered @rs 1000/- p.m. from salary.
05	Mr. Md. Ejaz	Clerk	25000.00	1682/09 21/04/2009	Loan is being recovered @rs

					1000/- p.m. from salary.
06	Mr. Pathan Munir Khan	R. W. O. Nashik	25000.00	2039/09 12-5-2009	Loan is being recovered @rs 1000/- p.m. from salary.
07	Mr. Md. Latifuddin	Clerk	25000.00	2225/2009 dated 15/6/2009	Loan is being recovered @rs 1000/- p.m. from salary.
08	Shaikh Lal	Chawkidar	25000.00	2507/2009 dated 12/6/2009	Loan is being recovered @rs 1000/- p.m. from salary.

The proposal and action taken is brought to the notice of the board for perusal and necessary approval.

Resolution no.72/2009:

It is hereby resolved and approved

2) Deputation / Transfer of Board Employes

Deputation / Transfer of Board Employes as per the authority given to C.E.O, some employes of Board have been deputed / transferred to various places as required some have joined promptly and where as some are on leave and will join at the earliest. Notices has been issued to them to join immediately. Efforts are been made to open an office in Amravati division at Amravati and district office at hingoli in Marathwada Division.This will take place after all the employes who have been deputed join their respective post.

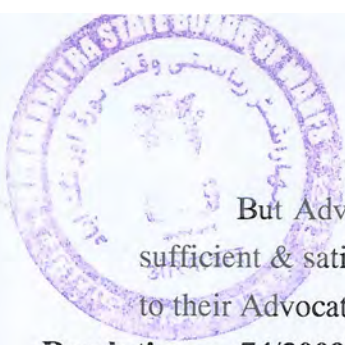
Resolution no.73/2009:

It is hereby resolved and approved

CASES SECTOIN

POINT NO - 15

1. All the advocates of the panel have requested that the fees of Advocate paid by Maharashtra State Board of Wakfs to them may be increased.



But Adv. SAG Qureshi expressed that the present fees given of paid are sufficient & satisfactory as the other offices / boards are also paying the same fees to their Advocates on Panel and **no need to increase the fees.**

Resolution no.74/2009:

It is hereby resolved and approved that no increase be given at present.

2. It is seen that at present there is no Advocate in Mumbai High Court & other courts for looking after the cases / matters on behalf of Maharashtra State Board of Wakfs except Adv. R.M. Momin & he is unable to give sufficient time. Therefore other Advocates also be engaged on the panel of Maharashtra State Board of Wakfs. Adv. Mujtaba suggested name of Adv. Zia Gulam Mustafa, who is at present practicing in Bombay High Court, who may be appointed. Call an application of consent & experience from Adv. Zia Gulam Mustafa.

Adv. S.A.G. Qureshi suggested name of Adv. Sharif for Bombay High Court on Panel of Maharashtra State Board of Wakfs. Chief Executive Officer has also suggested to Adv. Mujtaba (Ata) to propose the name of Advocates who may taken on panel for Bombay High Court, Nagpur High Court and Wakf Tribunal at Nagpur other than Adv. F.T. Mirza & Adv. Feroz Khan.

Resolution no.75/2009:

It is hereby resolved and approved that the report called in each respect and put up for approval in the next meeting.

3. It is also proposed by Chief Executive Officer, Maharashtra State Board of Wakfs for establishment of Wakf Tribunals at Pune & Mumbai for the convenience of litigants and Advocates and for the same this point be kept in next / upcoming Maharashtra State Board of Wakfs meeting for consideration and approval. The proposal is being kept in the Board Meeting. The same will be resolved and submits to the Government for approval.

Resolution no.76/2009:

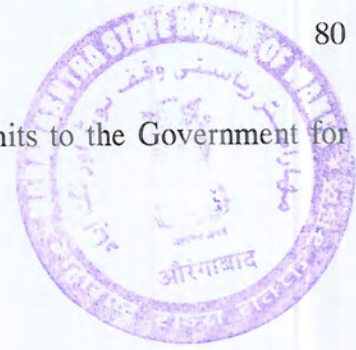
It is hereby resolved and approved

4. Adv. Mujtaba suggested that discussion be made in board meeting for submitting proposal to the Govt. for exemption of Courts fees in the Wakf matters and accordingly Wakf Rules an amendment to be brought in and Stamp Act, Bombay Courts Fees Act, specifically in ad-veleren fees. The proposal is being kept in the

Board Meeting. The same will be resolved and submits to the Government for approval.

Resolution no.77/2009:

It is hereby resolved and approved



POINT NO -16

In the meeting of 21/11/08 it was resolved that in the case of Antilia the matter should be referred to Hon Justice Ahmedi for opinion. Thereafter it was also decided to seek Opinion of Hon Advocate General of Maharashtra in this matter. papers for opinion have been sent to both. C.E.O and a member of the Board Janab A.U.Pathan will discuss with both of these dignitaries and finalise. the board will then proceed for further necessary action in the matter.

It is resovled that one member of the Board Janab A. U. Pathan and Chief Executive Officer both of these degnataries, discussed with them and proceed with further action.

POINT NO - 17

Any other points with the permission of the chair

- 1) Appointment of Hussain Pathan as Bill Collector Pune office of the Regional Wakf Office on contractual basis.

It is hearby resolved that Mr. Hussain Pathan, is appoint as a Bill Collector at office of the Regional Wakf Office Pune on purely contractual basis.

Hon'ble Tarique Anwar
Member Maharashtra State Board of Wakfs

Hon'ble Ahmed Khan Usman Khan
Member Maharashtra State Board of Wakfs

S.S.Ali Quadri
Chief Executive Officer
Maharashtra State Board of Wakfs
Aurangabad