महाराष्ट्र राज्य वक्फ मंडळ

Minutes of the Board meeting dated 24/12/2009 held at Sahyadri Guest House, Malabar Hill, Mumbai at 1:00 pm

The Board meeting was convened at 1:00 pm on 24-12-2009 at Sahyadri Guest House, Malabar Hill, Mumbai the following Board members and officer were present.

1) **Hon'ble Shah Tarique Anwar, Member of Parliament and member, Maharashtra State Board of Wakfs.**
2) **Hon'ble A. U. Pathan, Member of Bar Council and Member of Maharashtra State Board of Wakfs.**
3) **Hon'ble Madam Shaheen Kadri, Joint Secretary, Minority Development Department Mantralaya Mumbai & Member Maharashtra State Board of Wakf.**
4) **S. S. Ali Quadri, Ex-Officio Secretary and Chief Executive Officer, Maharashtra State Board of Wakfs Aurangabad**

As the quorum was available therefore a meeting began at 1:00 pm. Hon'ble Member Shah Tarique Anwar, presided over meeting with the consent of other Board member.

Point No. 1 To Grant leave of absence if any mebers

Resolutin No. 104/2009:-

It is resolved and approved that the leave is granted in respect of of Janab Ghulam Wastanvi.

Point No. 2 Confirmation of Minutes dated 14th Aug 2009

Resolutin No. 105/2009:-

It is unanimously resolved that the Minutes of dated 14th Aug 2009 which were read and are now confirmed with some following changes

i) **While constructing the building of the Haj house, 1 floor for wakf board should be secured.**

ii) **CEO should go and negotiate the said regarding lease and finalise the lease**

The following points which could not be discussed in the last meeting dated 14-08-2009 are now taken for discussion .

1. SALE OF LAND BELONGING TO MASJID SATARA ,VILLAGE SATARA, AURANGABAD :-

This matter was kept in the Board meeting held on 03.04.2008 vide resolution no. /08 an application for Sale U/s. 51 of Wakf Act'1995,as the application dated 24/03/08 mentioned sale of land , an amendment is made in the proposal and vice versa to be made in the resolution, that the subject matter to be reffered as "Exchange of land" instead of sale of land, as the land is not suitable for agriculture nor development and land equivalent of 59 Acres is to be purchased against sale of this land, resolution was passed in the above said meeting and letter dated 24/04/08 was issued for advertisement of the sale of land inviting buyers for the wakf land. So the proposal and resolution to be corrected and read as " Exchange of Land". Amendent in proposal and resolution to be accepted. Hence the matter is kept in the board meeting for discussion and decision.

Resolution No. 106/2009 :-

It is unanimously decided that the fresh proposal should be called from the applicant and submitted to the Board

CASES SECTOIN

2. The government of Maharashtra had appointed a special counsel for the case of jameel ahmed jalna v/s govt. of Maharashtra. In respect of appointment of board of members by the govt. the govt under its letter dtd. 4th august 2009, has asked the board to bear the expenditure of rs 60000/- to be paid to the special counsel Advocate Mr. P. M. Shah, Special Counsel appointed by Government of Maharashtra for pleading the case Board members appointment. The matter is kept for discussion and decision.

Resolutin No. 107/2009:-

Defferred and to be kept in the next meeting

NEW AGENDA POINTS

ESTABLISHMENT SECTION

3. Appointment of Mr. Mohib-Ullah Retired Accounts Officer

The post of Accounts Superintendent is vacant due to absence of Mr. Muzaffar Siddiqui due to which the work of Accounts and Establishment has slowed down & having control on Accounts and Establsihement matter we require fulfledged officer having the good knowledge of both.

Mr. Mohib-Ullah Accounts Officer in Government of Maharashtra is going to retire on 31st Oct 2009 after noon. He has given willingness to work in the Wakf Board. He has good experience of Wakf Board as he has Audited the Accounts for the year 2002-03 to 2006-07 for five years. We may appoint him on contract basis @ Rs. 9000/- per month for one year w.e.f. 1st Nov 2009. In anticipation to the Board's approval the appointment is being made w.e.f 1st Nov 2009. Hence matter submitted for discussion and decision.

Resolution No. 108/2009 :-

It is unanimously resolved and approved as proposed to appoint Mr. Mohib-ullah, as a Finance Officer in this matter the proposal already bent sent to the Government for the post of finance officer

4. Personal loan paid to following employees of Maharashtra State Board of Wakfs, Aurangabad at the rate of interest 8.5% on the principal amount..

1) Mohammed Nazir	(Dy W.O)	Rs. 25000.00
2) Mirza Naqui Ali	(Clerk)	Rs. 25000.00
3) Salam Bin Mubarak	(Chowkidar)	Rs. 25000.00
4) Mohammed Sadeque	(Chowkidar)	Rs. 25000.00
5) Munawwar Khan	(Chowkidar)	Rs. 25000.00

Resolutin No. 109/2009 :-

It is unanimously resolved and approved as proposed

5. Extension to Mr. Mohammed Imran Gulam Rabbani (Peon D.W.O. Nanded).

Mr. Mohammed Imran Gulam Rabbani has been working as peon on honorary basis at @ Rs. 3000/- per month District Wakf Office Nanded vide order no. 4037/2008 dated 24th Oct 2008. his appointment was for six month only which later extended vide second order issued on vide order no. 2037/09 dated 12th May 2009 for six month from 01/05/2009 to 31/10/2009. The work of Mr. Mohammed Imran Gulam Rabbani is satisfactorily and we require a peon in that office. hence, now the service may be extended by one year from 1/11/09 to 31/10/10 on same post on contracts basis @ Rs. 4000/-. Hence matter submitted for discussion and decision.

Resolutin No. 110/2009:-

It is unanimously resolved and approved as proposed

6. **Proposal for taking disciplinary action against wakf employees who are absent since they were relieved from office on their transfer/deputation**

On the lines of govt.of Maharastra's orders of transfer and deputation wakf employees were transferred/deputed to various places. Though some have joined immediately, but many have absented themselves from office till today. It is proposed that disciplinary action be taken against them by sanctioning them leave without pay, and withholding their one or two increments depending upon intensity of loss to board due to their long absence.

Hence matter submitted for discussion and decision.

Resolution No. 111/2009 :-

It is unanimously resovled and approved to take deciplinary action against the employees as proposed

SIYANAT SECTION

7. Tender For auction of phool Baithak shop at Dargah Shah noor Wadi Aurangabad.

Tenders were Called for auction of phool Baithak shop at Dargah Shah noor Wadi Aurangabad. Rh. Aurangabad for the year 2009-2010 for 12 months Total 3 Tenders received out of which highest bidder namely Janab Md Sami Mohd Gani offered Rs 1,70,000/- (last year i.e for 2008-2009 this Tender was finalized for Rs 1,63000/-) now highest bidder was called for negotiation and by enhancing Rs 2000/- The Tender is finalized for Rs 1,72000/-.work order is placed for the contract.

Resolution No. 112/2009 :-

It is unanimously resolved and approved

8. Tender For Zubah Cutting Goat Dargah Turabul Haque Rh. Parbhani.

Tenders Were Called for auction of Zubha Cutting of Goat at Dargah Turabul Haque Rh. Parbhani. For 2009-2010 (for 12 months) Total 18 tenders were received out of which highest bidder Mr. Syed Ateequr Rahman R/o Parbhani offered Rs 1,82,786/- for the said Tender (for last year i.e for 2008-2009 tender was finalized for Rs 1,66,500/-) Now highest bidder called for negotiation and by enhancing of for Rs 8000/-Tender finalized for Rs 1,90,786/-

Resolution No. 113/2009 :-

It is unanimously resolved and approved

9. Tender shirni Gud phutane and sarai at Dargah Turabul Haque Parbhani.

Tenders were called for auction of Shirni Gud Phutane and Sarai at Dargah Turabul Haque Rh. Parbhani. For 2009-2010 (for 12 months) Total 5 tenders received out of which highest bidder Mr. Abdul Nadeem S/o Abdul Gani Parbhani offered Rs 15,51,786/-for the said tender (for last year i.e for 2008-2009 tender was finalized for Rs 15,00000/-) Now highest bidder called for negotiation and by enhancing of for Rs 9000/-Tender is finalized for Rs 15,60,786/-.

Resolution No. 114/2009 :-

It is unanimously resolved and approved

10. Tender for Goat Skin at premises of Dargah Syed Alauddin Rh. Rauna parade Tq.Ambad Dist Jalna.

Tenders were called for auction of Goat Skin at premises of Dargah Syed Alauddin Rh. Rauna Parade Tq.Ambad Dist Jalna. For 2009-2010 (for 12 months) Total 8 tenders received out of which highest bidder Mr. Shaikh Mukhtar S/o Shaikh Dagdu R/o Himayat Bag Aurangabad offered Rs 9,00,000/-for the said Tender (for last year i.e. for 2008-2009 tender was finalized for Rs 7,35000/-) Now highest bidder called for negotiation and by enhancing of for Rs 10,000/- Tenderi is finalized for Rs 9,10,000/-

Resolution No. 115/2009 :-

It is unanimously resolved and approved

11. Guest House Dargah Syed Alauddi Rh. Rauna parada Tq. Ambad.

Tenders were called for auction of Guest House at premises of Dargah Syed Alauddin Rh. Rauna parade Tq.Ambad Dist Jalna. For 2009-2010 (for 12 months) Total 2 tenders were received out of which highest bidder Mr. Syed Zafer S/o Syed Majeed R/o Rauna Parade Tq. Ambad offered Rs 50,786/-for the said Tender (for last year i.e for 2008-2009 tender was finalized for Rs 70,786/-) Now highest bidder called for negotiation and by enhancing of for Rs 20,000/-Tender finalized for Rs 70,786/-

Resolution No. 116/2009 :-

It is unanimously resolved and approved

12. Entry Ticket Panchakki Aurangabad.

Tenders were called for Entry Ticket to Panchakki Aurangabad. for 2009-2010 (12 months) Total (4) Tenders were received Mr. Mohd Rafique Mohd Khaja offered Rs 10,51000/- highest bidder He was called in office for negotiation he enhanced his offer from 10,51000/- i.e for Rs 12,00000/- Last year the said tender was finalized to Rs 16,00000/-Now highest bidder is Low by Rs 400000/- it is therefore suggested that we may recall Tender again and submit for orders

Resolution No. 117/2009 :-

It is unanimously resolved and approved

13. 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 gat 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. In this matter the Wakf Board has aleready passed the resolution no 19/2009 dated 26/07/2009 for lease out the said land for 3 years with negotiation. Further the lessee has requested to the Board to permit them for construction of open structure, godwon, wherehouses, industrial, commercial residential structure on the Wakf land and also lessee may be permitted to rent out above proposal the their will but the property shall be owened by Maharashtra State Board of Wakfs and trust only. Hence submitted for discussion and decision.

Resolution No. 118/2009 :-

The Chief Executive Officer should issue the No objection certificate for lease of 3 years in this matter after negotiation of lease and donation.

ENQUIRY SECTION

14. Proposal for deciding application no 66/2005 filed by salimbhai m.j. Chimthanawala on 28-10-2005 pursuant to an order passed in writ petition 3338/2003 dated 7-10-2005 and order passed in writ petition no 1633 & 2669 / 2008 on 17-02-2009

Abderazzakbhai and 5 others had filed an application under Section 36(2) of the Wakf Act 1995 on 24.2.2003, for recording "Masjid Mehdibag" as Shia Wakf, the property of the Wakf consisting of Masjid along with 3.16 acres of adjoining land and also for recording the name of Janab Amiruddin s/o Hasan Nurani as Mutawalli of the said Wakf. The Chief Executive Officer of Wakf Board had by the order dated 29.3.2003 allowed the said application. Pursuant to the said order, entries were taken in the register of Wakf in Part-A and Part-B vide registration No.2/2003. This order was challenged by the applicant in the Nagpur Bench of Bombay High Court vide Writ Petition No.3338 of 2003, which came to be decided by the Hon'ble High Court by order dated 7.10.2005. As per the said order the Hon'ble High Court stayed the decision of the Wakf Board except the declaration that there exists a Wakf. A copy of the said order is enclosed.

That pursuant to the aforesaid order dated 7.10.2005 passed by the Hon'ble High Court in Writ Petition No.3338 of 2003, Salimbhai M.J. Chimthanawala had filed application No.66 of 2005 on 28.10.2005 with a prayer to quash and set aside the order/recall the order dated 29.3.2003 passed by the Chief Executive Officer, and also to delete all the entries taken pursuant to the said order in Part A and Part B in the register of Wakf vide registration No.2/2003. Notice on the said application was issued to the Non-applicants No 1 to 7 therein on 22.11.2005 and they have been duly served with the notice along with copy of the application no.66 of 2005 with its Enclosures. The Non-applicants have not filed any reply to the application No.66 of 2005. The Non-applicants no.1 to 6 have, however, filed written notes of argument on their behalf on 29.11.2006. On that date, a pursis was filed by the applicant for not proceeding with the application no.66 of 2005. On the same date, the Non-applicant no.7 had filed reply to the said pursis. The parties were heard on the same date i.e. 29.11.2006, and it was decided that matter needs further hearing. This fact was noted in the minutes of the meeting dated 29-11-2006 and resolution to this effect was duly passed.

That, thereafter, on 24.8.2007, the Hon'ble High Court has by two separate judgments decided Second Appeal Nos. 529 of 2005 and Second Appeal No.504 of 2005, on the basis of joint pursis filed by the parties therein. Copies of the orders of the Hon`ble High Court dated 24.8.2007 are enclosed. This was followed by a pursis dated 12.11.2007,which was filed by the applicant stating that he does not press earlier pursis dated 29.11.2006. Accordingly, the parties were heard on 7.3.2008. The Chief Executive Officer then passed the order dated 26.3.2008, pursuant to the two orders dated 24.8.2007 passed by the Hon`ble High Court in the aforesaid two second appeals. By this order, the Chief Executive Officer ordered the registration of "Mehadibag Wakf" details whereof are stated in the said order. Accordingly, vide registration no.39 dated 29.3.2008, fresh entries were taken regarding registration of Wakf in Part- A and Part- B of the register of Wakf. This order dated 29.3.2008 was subject matter of challenge in Writ Petition Nos. 1633 and 2669 of 2008 which was decided by the Hon`ble High Court by order dated 17.2.2009. A copy of the order of the Hon`ble High Court is enclosed. The Hon`ble High Court has directed that Application No.66 of 2005 filed by the applicant should be decided by the Wakf Board without being influenced by the order dated 29.3.2008 passed by the Chief Executive Officer. The Chief Executive Officer was authorized by the Board to initiate proceedings in respect of said application i.e. No 66/2005 vide their resolution no 36 / 2009 dated 26-07-2009. The said resolution was again ratified and confirmed in the meeting of the Board held on 14-08-2009.

On the basis of the said authority delegated by the Board the Chief Executive Officer by notice dated 31.8.2009 informed both parties that the Wakf Board is taking up application no.66 of 2005 for decision. The parties were called upon to submit their respective case in writing on 16.9.2009. This notice has been duly served on both the parties i.e. applicant and non-applicants no.1 to 7. Pursuant thereto, the applicant has filed written submissions on 16.9.2009. The Non-applicants remained absent on 16.9.2009. The Non-applicant no.4, 5 & 7 sent separate communication dated 13.9.2009, 14.9.2009 and pursis dated

14.9.2009 by fax which was received at 17:17 pm on 16.9.2009. They refused to file any written submissions before the Chief Executive Officer. Similarly, a pursis by the Non-applicant no.4 informing that the Non-applicant no.1 expired on 26.5.2008 was received by fax at the same time. By that time the case was over and the order- sheet was already written by the Chief Executive Officer, treating the matter as closed for placing before the Board for decision. Accordingly all the records pertaining to entry no 2/2003 dated 29-03-2003 and application No 66/2005 with annexures, written notes of arguments filed by Non Applicant No 1 to 6 filed on 29-11-2006, written notes of arguments filed by Applicant filed on 16-9-2009 and all relevant documents and papers are placed before the Board for their decision on application no 66/2005 in accordance with the direction of the Hon'ble High Court vide its order dated 07-10-2005 and 17-02-2009.

Resolution No. 119/2009 :-

The Applicant's advocate Mr. Sagheer Ahmed Khan was present and non applicant sent a fax for adjournment of hearing date. Mr. Sagheer Khan submited the details of case in application 66/2005 by the order of Hon'ble High court bench Nagpur in writ petition no. 1633-2008 with 2669-2008 the order dated 17-02-2009. with this pleading Mr. Sagheer Khan has brought forward all the facts before the Board Members. After the long discussion with the Board members it is unanimously decided that the request of non applicant be accepted by giving him a last chance to appear before the Board on dated 09-01-2010 he be informed accordingly.

COMPUTER SECTION

15. Development of Accounts Section software.

It is seen that the accounts section of Maharashtra State Board of Wakfs is working without accounts software and it is necessary as per Government offices will benefit the accounts software for smooth functioning of Accounts section. Now the Maharashtra State Board of Waks has already developed the Registration software and run very successful. The account of entire Maharashtra Wakf institution have been submitted our head office and it will very cumbersome to do this work without accounts software. Hence it is felt s necessary to develop our accounts software for smooth functioning of the Board. Hence submitted for discussion and decision.

Resolution No. 120/2009 :-

It is unanimously resolved and approved

STORE SECTION

16. Printing of Marriage forms

The (20,000) marriage forms were printed in the month of Jan 2009 through m/s National Printers, Beed bypass Aurangabad for the cost of Rs. 157200/-(Rupees one lack fifty seven thousand two hundred only) out of which total 1500 marrige forms are already sold out i.e. only 500 marriage are only available now it is necessary to print more 5000 marriage forms.

The work order of printing of 5000 marriage forms have been issued vide order no. 5002 dated 14/10/2009 to M/s National Printers who are lowest. The cost of printing 5000 marriage forms comes to Rs. 393000/- the income will be @ Rs. 35,00,000/- approximately towards the sale of 5000 marriage forms. Hence matter submitted for approval.

Resolution No. 121/2009 :-

It is unanimously resolved and approved

CASES SECTOIN

17. As more and more orders are being issued by the board, so also there is drastic increase in the number of Cases both in wakf tribunal and high court.At present there is only only one Advocate in Mumbai High Court on board's panel. Adv. R.M. Momin is the only one & he is unable to give sufficient time. Therefore other Advocate may also be engaged on the panel of Maharashtra State Board of Wakfs. Adv. Mujtaba suggested the name of Adv. Zia-ul-Gulam Mustafa, who is at present practicing in Bombay High Court, who may be appointed on the panel of Maharashtra State Board of Wakfs for pleading in Bombay High Court.

In this conection he has already giving his consent to appoint him on panel of Wakf Board. In anticipation of approval Mr. Zia-ul-Mustafa has been

appointed vide order no. 3993/09 dated 6th Oct 2009. Hence submitted for approval.

Resolution No. 122/2009 :-

It is unanimously resolved and approved

CONSTRUCTION

18. Proposed construction of Office building (Extension) adjacent to existing Khankha building, Panchakki Aurangabad

As the jurisdiction of Wakf Board has now been extended for all Maharashtra, the existing khankha building panchakki, in which the Marathwada Wakf Board runs since last 40 years, is not sufficient now. It is found necessary to extend the building on the open land towards east of the existing building at bank of Kham river. An architect and consultant M/s S.B.S. & Associates Aurangabad is appointed to prepare the plan and estimates of this project. An approximate cost of Rs. 20 lakhs may be required for this project. After preparation of plans and estimates, approval from archeological survey of India, and municipal commissioner, Aurangabad, open tenders will be called and work order placed for the building. Hence matter submited for approval.

Resolution No. 123/2009 :-

It is unanimously resolved and approved

ESTABLISHMENT SECTION

19. Personal loan paid to following employee of Maharashtra State Board of Wakfs, Aurangabad at the rate of interest 8.50% to be charged on the principal amount after compeletion of all installments.

1) Syed Abid Ali	(Clerk)	Rs. 25000.00
2) Ishaq Mohiuddin	(Bill Collector)	Rs. 25000.00
3) Shaikh Naseer	(Peon)	Rs. 25000.00

Resolution No. 124/2009 :-

It is unanimously resolved and approved as per resolution no. 109/2009 in this meeting.

20. Confirmation of proposal of approval of the post submitted to Government.

At present the board is functioning on the old staff of marathwada. whereas the employees are doing the work of the state consisting of not less than 35000 institutions. Due to positive response from the institutions the work the submitted for sanction of government u/s of the wakf act 1995, the details are as follows.

i) Existing posts for which government's approval is required. These posts were filled in by the board without prior approval. (26)

ii) New creation of posts at Head Quarter (06)

iii) Posts already filled in Marathwada region for which approval of Government required (24)

vi) filling of posts at District level except Marathwada (48)

Total :- 102

The proposal is at the level of govt. in finance deptt. The matter is being pursued.

Resolution No. 125/2009 :-

It is unanimously resolved and approved

21. Disciplinary action & departmental enquiry against staff members who have disobeyed orders of deputation

1) Janab Shaikh Zafar, District Wakf Officer Hingoli 2) Mohammed Jamiluddin Dy. Wakf Officer i/c Regional Wakf Officer Nashik 3) Jaleel Ahmed Khan, Clerk Regional Wakf Office Nagpur and others. The above staff inspite of repeated oral and written instructions have not joined their duties or have join after a very long leave. Due to which there is huge and irreparable loss of office work. Therefore the above staff members are liable for disciplinary action. Departmental enquiry may be initiated. Therefore submitted for discussion and decision.

Resolution No. 126/2009 :-

It is unanimously resolved that all the employees who were transferred / deputed and who did not join the duties in time and remained absent their absence be treated as leave without pay. So also departmental enquiry may be conducted against all these employees and necessary punishment be awarded after completion of enquiry and its findings. So also as per resolution no. 111/2009 in this meeting the same has been approved.

22. C.P.F. of newly appointed staff members

The board has approved byelaws for contributory provident fund . I the byelaws there is no mention about minimum numbers of years of service required for any of the employee appointed under Maharashtra State Board of Wakfs in the time scale of pay to subcribe to the contributory provident fund.It is therefore proposed that c.p.f subscription as already approved be commenced after completion of one year of continuous service rendered by a regular employee as per Rule No. 4 annexure II of General Provident Fund Rules of Maharashtra Government. Hence matter submitted for discussion and decision.

Resolution No. 127/2009 :-

It is unanimously resolved and approved the C.P.F. rules are amended accordingly.

23. Appointment of Mr. Janab Mohammed Shafi s/o Mohammed Sardar an Officer on Special Duty.

As the work of Administration and other important issues are increasing day by day therefore it is necessary to appoint an Officer to supervise the work of employees because at present the workflow is direct from clerk to ceo. Hence a supervisory post is necessary. Janab Mohammed Shafi s/o Mohammed Sardar, an accounts officer is willing to give his services to the board w.e.f 1st January 2010. We may appoint him on contract basis at the rate of Rs 9000/_ He has good experience of

Wakf Board as he has Audited the Accounts for the year 1997-98 to 2002-03 for six years Hence matter submitted for discussion and decision.

Resolution No. 128/2009 :-

It is resolved that he may appoint as Office Superintendent Maharashtra State Board of Wakfs, he will be incharge of the i.e. inward outward record and other type of administrative work as allotted by CEO.

24. **Confirmation of D. A. @ 5% with effect from 1st July 2009 as per G.R. dated 5th Oct 2009 vide No. म.भव-११०९/प्र.क्र.७०/सेवा-९ मंत्रालय, वित्त विभाग मुंबई -३२.**

The government of Maharashtra has sanctioned the govt, employees ५% dearness allowance increase from ९st july २००९. On sixth pay commission scales. As the board employees have yet to switch over to sixth pay commission scales, we may pay increased d.a. to them in the old scale. Hence submitted for approval.

Resolution No. 129/2009 :-

It is unanimously resolved and approved

25. Extension of services/ appointment on contract basis of Janab Shaikh Munir District Wakf Officer Jalna

Janab Shaikh Munir District Wakf Officer Jalna is going to retire on 31st Dec-2009. As there is shortage of staff in Board and the performance of Janab Munir Shaikh is satisfactory therefore after the retirement he may be reappointment on honorarium basis Rs.8000/- and may be continued as District Wakf Officer Jalna for a period of one year. Hence submitted for discussion and decision.

Resolution No. 130/2009 :-

It is resolved that the appointment should be on contractual basis an hononrarrium Rs. 8000/- per month. For six month only.

26. Increase in honorarium of Hafiz Shaikh Abdul Jaleel

Janab Hafiz Shaikh Abdul Jaleel is working as librarian on an honorarium of Rs. 1000/- per month and his work is satisfactory. His responsibility has been increased by allotting him the work of Garden Supervisor. He has also applied for increase in honorarium. Considering his work we may increase Rs. 500/- per month in regular hononrarrium. Hence submitted for discussion and decision.

Resolution No. 131/2009 :-

It is unanimously resolved and approved

27. Appointment of Computer Operator on contractual basis

The following persons are working as Computer Operators in Maharashtra State Board of Wakf on contractual basis at honorarium @ Rs. 6000/- per month. Their appointments are to be continued for one year after giving one day gap.

Sr. No.	Name of person
01	Shaikh Abdul Jabbar Shaikh Abdul Salim (Mumbai)
02.	Shaikh Mohammed Imran Md. Ibrahim (Aurangabad)
03.	Shaikh Abdul Azeem Shaikh Abdul Majeed (Aurangabad)
04	Mohammed Asif Ahmed Mutawalli (Aurangabad)
05	Ameen uz Zama Khaliq uz Zama (Aurangabad)
06	Pathan Fayyaz Yunus khan (Nashik)

Hence matter submitted for approval

Resolution No. 132/2009 :-

It is unanimously resolved and approved.

COMPUTER SECTION

27. Updation of Registration Software with amendment.

The work of software preparation is completed as ordered but still some more reports as required are to be added and many more addition as required in the coming year be accomplished by the same software agency . so also we have to put the entire gazettes on the website which will require more space. The software agency has proposed Rs.18199.50 for the entire work with maintenance for the entire year. We may allot the work to them so as to complete the software and the website in time. Hence submitted for discussion and decision.

Resolution No. 133/2009 :-

It is unanimously resolved and approved

28. Confirmation of Annual Maintenance contract of Computer hardware

The Annual Maintenance Contract of Computer & all Electronic Equipment Computers, Printers, Telephone, EPBX, Fax & Invertor etc. for the year 08-09 expired. Tenders were called by giving wide publicity in newspaper for the year 09-10, the lowest tender was accepted after negotiations, the tender of Nexus Network is accepted for Rs. 69000/-(Rupees sixty nine thousand only). Hence matter is placed before the Board for approval.

Resolution No. 134/2009 :-

It is unanimously resolved and approved

29. Purchase of New computers for all offices and Head Office Aurangabad.

It seen that the work on computer of Maharashtra State Board of Wakf is increasing day by day.In view of this it is necessary to provide computers to nearly all the staff of headquarters as well as District and Regional offices. At present there are only 10 computers. Now we require 12 Desktop Computers and 12 Laser Printers (6 for Head Office and 6 for Districtt Wakf Offices) as per Rate Conract the prize of Government Desktop Computer (Acer Power, with AMD Athlon Dual Core Processor configuration) Rs. 30618.00 each the total amount for 12 Computer comes to Rs. 367416.00. A review is being taken and after the review and demand orders will be placed with agencies under Govt Rate Contract and procure computer hardware. Hence submitted for approval.

Resolution No. 135/2009 :-

It is unanimously resolved and approved

STORE

30. Requirment of Chairs & Computer Table

The Maharashtra State Board of Wakfs Head office Aurangabad irequires the following furnitures.

a. Computer table with CPU Box (3)
   i. District Wakf Office Aurangabad
   ii. Hall (Misc Section)
   iii. Hall
b. Computer Table (4)
   i. Store /Qazat
   ii. Case
   iii. Construction
   iv. Record Section for scaning
c. Computer Chairs
   i. District Wakf Office, Aurangbad
   ii. Hall (Misc Section)

iii. Hall
iv. Store/Qazat
v. Cases
vi. Construction
vii. Record Section for scaning
viii. Registration
ix. Server

After ascertaining the exact demand we will place orders with mssidc who is a govt rate contract for computer furniture and furniture will be procured.

Hence submitted for discussion and decision

Resolution No. 136/2009 :-

It is unanimously resolved and approved

CONSTRUCTION SECTION

31. Maintanance and repairs to Car MH-20 –Y-7918

The Car No MH20-Y-7918 Wakf Board broke down on 26/11/2009 after return from a hectic tour of Nagpur.It was sent to garage for finding out the fault. as its engine failed , quotation were collected for the repairs and spare parts An approximate cost comes Rs. 50 thousand for its repair. Hence matter submitted for approval of said amount for repairing the Car.

Resolution No. 137/2009 :-

It is unanimously resolved and approved it is also resolved and approved that new Car be purchased immediately.

32. Office Building in the Panchakki Premises :-

The Office of the Maharashtra State Board of Wakfs, runs in the Khankah building Panchakki, Aurangabad since long. The space and the existing building is not to increase in record, increase in staff,it is necessary to extend the building to the east

near kham river on open space in the same campus, for which an architect has been appointed to prepare its plan and estimate. An approximate cost comes to Rs. 29.00 lakh for this extension with includes cellar portion, ground floor, first floor and 2nd floor. Tenders will be called an d work will be allotted to the lowest after negotiations.Hence matter put up for discussion and decision.

Resolution No. 138/2009 :-

It is unanimously resolved and approved

33. An old existing structure Mahemood Darwaza near Panchakki which belongs to Panchakki institution. It has weakend and requires necessary repairs. As per the architect's design and estimate comes to Rs. 1.5 lakh for its necessary repair works. The matter is submitted before the Board for its approval.

Resolution No. 139/2009 :-

It is unanimously resolved and approved

34. The institution Dargah Hazrat Shahnoor Hamvi (R.H.) Aurangabad is under direct control of the Board, where huge tree fell down on the compound wall of the campus, due to which the compound wall fell down and also its adjacent wall is also become *weak. So* also to reconstruct wall of campus Diyanat Khan (R.H.) and other necessary repairs works an approximate cost comes to Rs. 50000/- (Rupees fifty thousand only)

Hence the matter is submitted for discussion and decision.

Resolution No. 140/2009 :-

It is unanimously resolved and approved

35.The Board has approved the work of proposed construction of Educational/ Commercial building on Sy. No. 88 at Ausa Dist Latur for Rs. 33.00 lakh in its previous meeting of 14th august 2009.accordingly tenders were invited by giving wide publicity in newspapers. The lowest tender was accepted after negotiations for Rs 32,99,547/- (Rupees thirty two lakh ninty nine thousand five hundred fourty seven only) of M/s Super Construction Latur at 2% above the estimated rate. The work will be commenced immediately after removing encroachment done by the local person. Hence matter submitted for discussion and decision.

Resolution No. 141/2009 :-

It is unanimously resolved and approved

36.Appointment of Architect as a consultancy

The Board has undertaken the different development works on Wakf properties, renovations and maintenance and repair works of Wakf institutions in Marathwada region for which it was necessary to appoint an architect and consultant for these work especially in Marathwada Region. In the previous year Mr. Syed Burhanuddin Shuttari Architect and consultant Aurangabad was given some work and he had completed satisfactorily. He has now submitted his offer these works after discussion. He is ready to give his services as consultancy and architectural works on 2% of cost of project for Marathwada Region. As a trial he has been given two works which he has done satisfactorily.Before calling rates from Architects hereafter, he may pay him for the work he has already done. Hence matter is submitted for approval.

Resolution No. 142/2009 :-

It is unanimously resolved and approved

३७. मा. उच्च न्यायालय खंडपिठ नागपूर येथील पहिली अपील क्र. ४३१/९४ आदेश दि.१०.११.२००९.

दर्गा ॲन्ड कब्रस्तान बाबा अब्दुल्ला शाह वली ट्रस्ट कामटी जि. नागपूर बी-५५ नागपूर च्या व्यवथापना संबंधी सुनावणीवरून निर्णय घेणे.

दर्गा ॲन्ड कब्रस्तान बाबा अब्दुल्लाह शाह वली ट्रस्ट कामटी जि. नागपूर ही संस्था मुंबई सार्वजनिक विश्वस्त व्यवस्था अधिनियम १९५० च्या तरतूदीनुसार बी-५५ (ना) अन्वये नोंदणीकृत संस्था असून सदर संस्थेच्या व्यवस्थापना संबंधी जनाब गुलाम महंमद अब्दुल रज्जाक तुंबी विरूध्द डेप्युटी धर्मदाय आयूक्त, नागपूर व जनाब फकीर महेबूब कबीर शाह सौगात अली शाह व इतर यांच्या मा. उच्च न्यायालय खंडपीठ नागपूर येथे पहिली अपील क्र. ४३१/१९९४ अन्वये मा. ३ रे अतिरिक्त जिल्हा न्यायधिश नागपूर यांनी दि.१५.०७.१९९४ किरकोळ सिव्हील अर्ज क्र. २६२/१९९४ मध्ये मुंबई सार्वजनिक विश्वस्त व्यवस्था अधिनियम १९५० चे कलम ५० ए नुसार पारित झालेले आदेशाविरूध्द दि.१०.११.२००९ रोजी खालील प्रमाणे आदेश पारित केलेले आहे.

i} First Appeal is partly allowed.

ii} The impugned judgments and orders, dated १५.०७.१९९४ in Misc, Civil Application No. २६२/१९९४ passed by ३rd Additional District Judge. Nagpur and ०५.०४.१९९४ made by the Deputy Charity Commissioner, Nagpur in Enquiry No. ३/१९९४ are set-aside.

iii} The proceedings of scheme are remitted to the wakf Board Aurangabad with the following directions.

a} The Wakf Board shall issue public notice inviting claims and objections form the people belonging to Muslim community in general including the people from Fukra Jamat from kamptee and Nagpur only.

b} Notice shall indicate filling of claims and objections within a period of eight weeks from the date of publication of notice.

c} After expiry of period of eight weeks. the wakf Board shall proceed to take up the matter for evidence of course giving liberty of the participants to file such documentary evidence as they think fit and proper and also allow the parties to rely on the evidence that was already filed before the Deputy Charity Commissioner, in addition, the participants shall be allowed to tender oral evidence in support of their respective claims and objections and the said process shall be completed within a period of six months from the expiry of

the period for lodging objections and claims. Finally, the entire proceedings of scheme shall be completed within a period of one year from today.

Having heard learned Counsel for the rival parties on the Interim order, I find that the parties will have to be directed to maintain status quo for a period of one month from the date which I am fixing here for their appearance before the wakf Board at Aurangabad.

Hence, parties before me to appear before the wakf Board at Aurangabad on ०७.१२.२०१० parties are not liberty to apply before the wakf Board for making interim arrangement for the management of the Trust.

Registrar (Judicial) is directed to send the records as well as writ to the said Wakf Board immediately.

No order as to costs.

प्रकरणांत मा. उच्च न्यायालय खंडपिठ नागपूर चे आदेशानुसार सर्व संबंधित दि.०७.१२.०९ रोजी वक्फ मंडळात रूजू झालेले आहेत.

प्रकरणांत पुढील सुनावणी दि.३१.१२.२००९ रोजी ठेवण्यांत आलेली आहे.

सदर संस्थेची योजने बाबत सुनावणी कलम ६९ घेवून त्यावर निर्णय घेण्यासाठी तसेच सदर संस्थेचे व्यवस्थापना संबंधी तात्पुर्ती व्यवस्था करणेसाठी अधिकार प्रदान करणे बबात विचार व्हावा.

Resolution No. 143/2009 :-

It resolved and power delegated to The Chief Executive Officer to hear the matter and place it before the Board for decision.

३८. मा.उच्च न्यायालय खंडपिठ नागपूर येथील याचिका क्र. १६३३/०८ सह याचिका क्र. २६६९/०८ नुसार मेहदी बाग नागपूरच्या संबंधित असलेले अर्ज ६६/२००५ ची सूनावणी करून त्यावर निर्णय घेणे.

मा. उच्च न्यायालय खंडपिठ नागपूर येथील याचिका क्र १६३३/०८ सह याचिका क्र. २६६९/०८ नुसार मेहदी बाग वक्फ नागपूरच्या संबंधित असलेले अर्ज क्र. ६६/२००५ अन्वये अर्जदार जनाब सलीम चिमठणवाला विरूध्द अब्दे रज्जाक मलक व इतर मध्ये वक्फ मंडळानी सहा महिन्यात सुनावणी घेवून निर्णय घेण्यांत यावा व सदर संस्थेची योजनेसंबंधी पुढील सहा महिन्यात सुनावणी घेवून निर्णय घेण्यात यावा असे दिनांक १७.०२.२००९ रोजी आदेश दिलेले आहे. त्याप्रमाणे महाराष्ट्र राज्य वक्फ मंडळाची बैठक दि.२६.०७.०९ ठराव क्र. ३६/२००९ अन्वये ठरल्याप्रमाणे या कार्यालयाची नोटीस क्र.

मरावमं/चौकशी/१४२९/३४२५/२००९ दि.३१.०८.२००९ अन्वये सर्व संबंधितांना नोटीस देवून दि.१६.०९.०९ रोजी सुनावणी ठेवण्यांत आली होती सदर दिवशी अर्जदाराचे ॲडव्होकेट जनाब सगीर खान यांनी आपले जवाब व पुरावे दाखल केलेले आहे. गैरअर्जदार यांनी अर्ज देवून सदरचे प्रकरणांत वक्फ मंडळापुढे सुनावणी घेण्यांत यावी अशी विनंती केली आहे. तसेच गैरअर्जदार क्र. ४ जनाब हसन लिवा गुलाम-ए-लिवा यांनी अर्ज देवून असे निदर्शणास आणून दिले आहे की, गैरअर्जदार क्रमांक १ जनाब अब्दे रज्जाक मलक यांची दि.२६.०५.०८ रोजी मयत झाले असून त्यांचे पश्चात त्यांची पत्नी मोहतरमा अफीफा भ्र अब्दे रज्जाक मलक यांचे नावे रेकार्डवर घ्यावे म्हणून विनंती केलेली आहे.

प्रकरणांतील अर्जदारानी दाखल केलेले त्यांचा मूळ अर्ज जवाब पुरावे आपल्या अवलोकनार्थ व पुढील निर्णयास्तव सादर करण्यांत येत आहे.

Resolution No. 144/2009 :-

It is unanimously resolved and approved as per resolution no. 119/2009.

३९. **मा. उच्च न्यायालय खंडपीठ नागपूर येथील याचिका क्र. ३२४०/०९ महेमूद अली गुलाम-ए-लिवा व इतर विरूध्द महाराष्ट्र शासन या प्रकरणांत सुनावणीत हजर राहणे मंडळकडून जवाब दाखल करणे पाठपुरावा करणे इत्यादि बाबत निर्णय घेणे.**

मेहदी बाग वक्फ, नागपूर MSBW/३९/२००८ च्या संबंधित असलेल्या वक्फ मिळकतीची नोंद मा. उच्च न्यायालय खंडपीठ नागपूर येथील एस.ए.क्र. ५२९/०५ जनाब सलीम भाई चिमठाणवाला विरूध्द अमीरोद्दीन हसन नूरझिंनी मलक साहाब मध्ये दोन्ही पक्षकारांनी Exhibit - २४९ नुसार मिळकतीची नोंद घ्यावी योजने संबंधी दाखल असलेले अर्जावर सुनावणी घेवून व्यवस्थापनासंबंधी निर्णय घ्यावा असे Joint Pursis दिल्याप्रमाणे मा. उच्च न्या यालयानी दि.२४.०८.०७ रोजी या संबंधी वक्फ मंडळानी निर्णय घ्यावा असे आदेश पारित केलेले आहे. त्याप्रमाणे या कार्यालयाने सविस्तर सुनावणी घेवून जुनी नोंद कमी करून नव्याने ३९/०८ नुसार मा. उच्च न्यायालयाचे आदेशानुसार नोंदणी करण्यांत आलेली आहे. व योजनेसंबंधी सुनावणी घेण्यांत येत असताना संबंधित गैरअर्जदाराकडून या नोंदणी आदेशाविरूध्द मा. उच्च न्यायालय खंडपीठ नागपूर व मा. उच्च न्यायालय मध्ये प्रदेश येथे अव्हान देण्यांत आले त्यात मा. उच्च न्यायालय मध्य प्रदेश यांनी त्यांचे अर्ज फेटाळलेले आहेत. नागपूर खंडपिठाकडे प्रकरण प्रलंबीत आहेत. या शिवाय अर्जदारांनी मुंबई येथील कार्यालयात अर्ज क्र. ६६/०५ अन्वये वक्फ मंडळानी सदरचे संस्थेची जुनी नोंदणी क्र. २/२००३ च्या विरूध्द अर्ज दाखल केले होते त्या अर्जावर निर्णय घेण्यात आलेला नाही म्हणून त्यावर सुनावणी घेवून निर्णय घ्यावा या

संबंधी याचिका क्र. १६३३/२००८ सह याचिका २६६९/२००८ मध्ये मा. उच्च न्यायालयांनी दिनांक १७.०२.२००९ रोजी आदेश पारित केलेले आहे त्यानुसार अर्ज क्र. ६६/२००५ साठी सुनावणी संबंधी निर्णय घेण्यासाठी वक्फ मंडळ सभा दि.२६.०७.२००९ ठराव क्र. ३६ अन्वये अधिकार मुख्य कार्यकारी अधिकारी महाराष्ट्र राज्य वक्फ मंडळ यांना अधिकार प्रदान करण्यांत आलेली आहे. त्याशिवाय मुतवल्ली / योजने अर्जावर निकाल होई पर्यंत कलम ६५ अन्वये सदर संस्था थेट वक्फ मंडळाचे निगराणीत घेण्यात यावी असे ठरले. त्यानुसार दि.३०.०७.२००९ रोजी नियमानुसार महाराष्ट्र शासन राजपत्र प्रसिध्द करण्यात आलेले आहे या विरूध्द संबंधित गैरअर्जदारांनी याचिका क्र. ३२४०/०९ अन्वये मा. उच्च न्यायालय खंडपिठ नागपूर यांनी दि.०७.१२.२००९ रोजी शासनाकडे संबंधित गैरअर्जदारांनी रितसर अर्ज करावे असे निर्देश दिलेले आहे.

प्रकरणांत महाराष्ट्र अवर सचिव महाराष्ट्र शासन अल्पसंख्याक विकास विभाग मंत्रालय मुंबई. ३२ यांचे पत्र क्र. संकिर्ण-२००९/प्र.१५६/का-४/दि.१६.१२.२००९ अन्वये प्रकरणांत दि.२२.१२.२००९ रोजी उपसचिव समोर अर्जदारांचे अर्जातील परिच्छेद निहाय अभिप्राय देणे सूचना दिलेली आहे.

प्रकरणांत वक्फ मंडळाची बाजू ठेवण्यासाठी व प्रकरणांत पाठपुरावा करण्यासाठी ॲव्होकेट ची नियूक्ती करून त्यांना प्रकरणांतील माहिती देण्यासाठी वेळोवेळी जाब जवाब पुरावे दाखल करण्यासाठी अधिकार प्रदान करणे आवश्यक आहे.

<u>Resolution No. 145/2009 :-</u>

The Chief Executive Officer is directed to appoint an Advocate in this matter and give the appropriate instruction to them to appear before Minister for hearing.

४०. **दर्गा हजरत पीर बगदादी रहे. दादर मुंबई च्या प्रकरणांत मा. उच्च न्यायालय मुंबई याचिका क्र. ७८८०/२००८ सह सि. ए. क्र. २६३ / २००९ मध्ये दि.२५.११.२००९ रोजी झालेले आदेशानुसार कार्यवाही करणे बाबत निर्णय घेणे.**

दर्गा हजरत पीर बगदादी रहे. दादर ट्रस्ट मुंबई च्या संबंधित असलेले भाडेकरू श्री. विजय शेट्टी, हॉटेल विसावा दादर यांच्या व ट्रस्टी मध्ये Final plot no. ४८ original plot no. ४७ TPS Mahim Division the junction of N.C kelkar Road and D.silva Road Dadar Mumbai Balance FSI १७३७ sq. feet संबंधी हॉटेलचे विस्तारीकरण व डेव्हलपमेंटसाठी २०० व गुंठीचा २०० मध्ये करारनामा झाला होता परंतू ट्रस्टीपैकी खालील लोकांनी त्यावर आक्षेप घेतलेला होता.

१. जनाब फरिद अ. लतीफ नुरानी दि.०७.०४.२००८.
२. जनाब इजहार शेख व अली महमद दि. २४.०३.२००८.
३. पीर बगदादी खिदमत कमेटी

वरील हरकती अर्जावर सुनावणी घेवून महाराष्ट्र राज्य वक्फ मंडळ बैठक दि. २७.०५.२००८ चे ठराव क्र. ३९/२००८ अन्वये व दि.०६.१०.२००८ चे ठराव क्र.

४८/२००८ अन्वये ठरल्याप्रमाणे या कार्यालयाचे पत्र क्र.MSBW / SNT/F.६/३८४२/०८ दि. १३.१०.२००८ अन्वये खालील प्रमाणे निर्देश देण्यांत आले होते.

1. The Trustee should reconsider this issue fresh and decide the issue majority of votes in a special meeting.
2. The agreement or supplementary agreement should be reconsidered for rent along with the amount to be paid amended suitably.
3. In view of above situation he interims orders or directions given by the Chief Executive Officer, Maharashtra State Board of Wakfs, shall stand withdrawn.

परंतू प्रकरणांत अर्जदारानी मा. उच्च न्यायालय मुंबई यांच्याकडे या आदेशाविरूध्द याचिका क्र. ७५८०/२००८ सह सी ए क्र. २६३/२००९ अन्वये अव्हान दिले होते. त्यात दि. २५.११.२००९ रोजी खालील प्रमाणे निर्देश दिलेले आहेत.

१. The petitioner by this Petition challenges a communication dated १३.१०.२००८ from the Chief Executive Officer, of the Maharashtra State Board of Wakfs, Aurangabad as also the Roznama, copy of which is as Exhibit-A३. Persual of the order dated. १३.१०.२०० shows that it is in the nature of recommendation made by the Chief Executive Officer, to the wakf Board. Roznama at Exhibit-A३ does not also appear to be a resolution passed by the Wakf Board.

२. In our opinion, therefore, considering the provisions of the wakf Act, a decision in relation to the validity or otherwise of the transaction which is subject matter of this petition will have to be taken by the Wakf Board.

३. Shri. Kumbhakoni the learned Counsel appearing for the Wakf Board stated before us that the Wakf Board is willing to consider the entire matter in accordance with law and to pass a resolution. He further stated that the wakf Board is also willing to consider any written representation that may be made to the wakf Board by any of the parties to the petition.

४. In our opinion, in view of the stand taken by the Wakf Board, this petition can be disposed of in following terms:

i. The wakf Board is directed to consider, in accordance as to whether the transaction which is subject matter of this

petition is valid and in accordance with law. Accordingly the Wakf Board shall take consequential decision as expeditiously as possible, in any case, within a period of eight weeks from today. The resolution and the decision passed by the Wakf Board shall be communicated to the parties to the petition.

ii. The wakf Board shall take into consideration the material placed before the Board as also the written representations that may be made by the parties before the Board. For the purpose, the parties to submit their written representation within a period of two weeks from today.

iii. For the period, till the wakf Board takes its decision, the parties shall maintain status quo in relation to the property which is subject matter of this petition, subject to the condition that within a period of two weeks, the petitioner in this petition deposits an amount of Rs. २० lacs in this Court with due intimation to respondent no. १ After the wakf Board decides the matter and communicates its decision, the petitioner shall be permitted to withdraw that amount with accruals if any. It is made clear that if the petitioner fails to deposit the amount within the aforesaid period, the interim order shall automatically stand vacated.

iv. With the above directions, writ petition is disposed of. Civil application is also disposed of.

प्रकरणांत विसावा हॉटेलचे मालक श्री. विजय शेट्टी व ट्रस्टींनी पुन्हा या आदेशानुसार निर्णय घेण्यासाठी शपथपत्रासह अर्ज दि.०७.१२.२००९ रोजी दाखल केलेले आहे.
प्रकरणांत पुढील निर्णय घेण्यासाठी आठ आठवडयाची मुदत दिलेली आहे.
प्रकरणांत पुढील निर्णय घेण्यांत यावे.

Resolution No. 146/2009 :-

It is hereby resolved the Chief Executive Officer is hereby directed to to study the case, scrutinize application of both the parties to reconsider the boards earlies stand and report to the board as early as possible in view of the one month

time limit giving by the court decision and put before board for decision.

४१. **वक्फ अधिनियम १९९५ चे कलम ६४ चे अधिकार प्रदान करणे.**

महाराष्ट्रातील विविध संस्थाचे विश्वस्ताकडून बेकायदेशिर कामकाज वक्फ मिळकतीचे बेकायदेशिर हस्तांतरण, व्यवस्थापनातील गैरव्यवहार, भ्रष्टाचार इत्यादि तक्रार वक्फ अधिनियम १९९५ चे कलम ६४ नुसार चौकशी करून निर्णय घेण्यासाठी प्रकरणे दाखल होत आहे.
वक्फ अधिनियम १९९५ चे कलम ६४ चे अधिकार वक्फ मंडळास आहे सध्या वक्फ मंडळाकडे एकूण २० प्रकरणे दाखल असून प्रकरणांत सुनावणी सुरू आहे. तीन प्रकरणे निर्णयासाठी प्रलंबीत आहे. तरी कलम ६४ प्रमाणे चौकशी करण्याचे व निर्णय घेण्याचे अधिकार प्रदान करण्यांत यावे ही विनंती.

Resolution No. 147/2009 :-

It is hereby resolved and approved that the Chief Executive Officer should hear the matter submit his report to the Board for decision.

४२. **सर्व्हीसेस चार्जस घेण्यास मान्यता मिळणे बाबत.**

निदर्शणास आणून देण्यात येते की, केंद्रीय वक्फ अधिनियम १९९५ चे कलम ३२, ३६, ४०, ४१, ४२, ४६, ४७, ५१, ५२, ५४, ५५, ६३, ६९, ७० इत्यादिचे विविध तरतूदीनुसार वक्फ मंडळात भाढे प्रमाणावर प्रकरणे दाखल होत आहे. २००६-०७ पासून कलम ४२ अन्वये नोटीस काढण्यासाठी प्रोसेस फी म्हणून रूपये ३००/- प्रोसेस फी म्हणून घेण्यांत येत आहे. तसेच कलम ५४ प्रमाणे प्रत्येकी अतिक्रमकांचे रूपये ३००/- प्रमाणे प्रोसेस फी म्हणून घेण्यांत येते. या प्रोसेस फी घेण्यांचे हेतू असा होता की, वक्फ मांडळास शासनाकडून कोणत्याही प्रकारचे अनुदान मिळत नाही, वक्फ मंडळाचा संपुर्ण खर्च वक्फ फंडामधून करणे शक्य आहे त्याची कारणे असे की वक्फ फंड फार थोडक्यात प्रमाणांत वसूल होत आहे. या प्रोसेस फी फक्त नोटीस चा खर्च नसून वक्फ मंडळाची संपुर्ण यंत्रणाचे उपभोग होतो म्हणजे मुख्य कार्यकारी अधिकारी साहेबांचा वेळ, कर्मचारी वर्गाचा वेळ, संगणक कागद, टोनर पोस्टेज इत्यादि खर्च म्हणून घेण्यांत येत आहे. जया कलेल्या रक्कमेची हिशोब वक्फ मंडळांनी या पुर्वी मान्यता दिलेली आहे परंतू प्रोसेस फी घेण्यास मान्यता मिळणे आवश्यक आहे. तसेच शेडयुल - १ वक्फ अधिनियम १९९५ चे कलम ३७ नुसार अभिलेख तयार करून मिळणे बाबत फार मोठया प्रमाणात मागणी होत आहे. या रजिस्टरच्या संगणाकाव्दारे संबंधीत वक्फांच्या शेडयुल देण्यासाठी सर्विस चार्जेस म्हणून रूपये ५००/- घेण्यात येत आहे त्यास ही मान्यता मिळणे आवश्यक आहे. या

शिवाय विविध वक्फ संस्थांच्या योजनेचे मान्यतेसाठी व त्याचे सव्हिस चार्ज म्हणून रुपये ५०००/- घेण्यात येत आहे याच धर्तीवर वक्फ मंडळानेही स्किमच्या मान्यतेसाठी रु ५०००/- घेण्यास मान्यता देणे आवश्यक आहे. तसेच सध्या पोस्टेजचे , टोनरचे , डिंक कागद खरेदीदरात मोठया प्रमाणात वाढ झालेली आहे तेव्हा सर्व्हीस चार्जेस म्हणून कलम ४२ प्रमाणे नोटीस काढण्यांस व विविध तरतूदीनुसार दाखल होत असलेले प्रकरणांत अर्जदारासह गैरअर्जदार प्रत्येक रूपये ५००/- व वक्फ अधिनियम १९९५ चे कलम ३७ नुसार अभिलेखातील शेडयुल - १ तयार करण्यासाठी सर्व्हीस चार्जेस म्हणून रूपये ५००/- व योजनेच्या मान्यतेसाठी रुपये १०००/- घेण्यास मान्यता मिळावी.

Resolution No. 148/2009 :-

It is hereby resolved and approved as proposed

SIYANAT SECTION.

43.ISSA PEER SAHEB DARGAH MUMBAI.

This matter was kept in the Board meeting held on 14.08.209 vide resolution no. 84/2009 u/s 32 of Wakf Act, 1995 for redevelopment of Issa Peer Saheb Dargah, the property consist Dargah, Masjid and surrounding tenanted property accommodating 30 tenants near about and as per the application dated 03.08.2009 received by this office by the trustees for redevelopment, as per negotiation the trustee has appointed one M/s Sirsiwala constructions Mumbai to redevelop the trust property e.g. Masjid, Dargah and residential building as per D.C. Rules and Regulations and condition mentioned in the development agreement. This redevelopment will benefit the trust and wakf Board and will help the trust in obtaining the objects of Mansha-e-Wakf, the trust will pay wakf fund towards redevelopment of the trust property. This matter of redevelopment has been scrutinized by the technical consultant and relevant document have been provided by the trustees. The major portion of the property is occupied and is in use of Masjid and Dargah. The developer will construct Masjid admeasuring 7000 Sq. Fts. and renovate the Dargah premises and rehabilitate the tenants and dispose off additional F.S.I. in open market for the developer to recover its cost and make certain profit after obtaining permission from the local municipal authority. The developer has offered Rs.2.51 Cr. as corpus fund this includes construction of Masjid and Dargah. This redevelopment is in the interest and benefit of the trust as the Dargah, Masjid and tenanted premises will be redeveloped. The trust will pay wakf fund towards

redevelopment of trust property. The sanctity of the wakf will be preserved / protected. The trust will pay wakf fund every year to the wakf board. This matter of redevelopment is in the best interest trust and wakf board.

Hence the matter is place in the Board for final approval, confirmation, Chief Executive Officer to negotiate and grant of No Objection Certificate for re-development of wakf property.

Resolution No. 149/2009 :-

It is hereby resolved approved and the Chief Executive Officer will negotiate in the matter and issue N.O.C. in this matter

44. HAJI ISHAK HAJI ABUBAKKAR CHARITABLE TRUST.

This matter was kept in the Board meeting held on 14.08.2009 vide resolution no. 85/2009 u/s 25 and 32 of Wakf Act 1995 for redevelopment of Haji Ishak Haji Abubakar Charitable Trust, through application dated 15.06.2007 and revised application dated. 07.08.09. This matter has been already discussed in the Board meeting held on 14.08.09. The trustee is redeveloping this property with the help of project coordinator and has appointed M/s. Adit Ridha builders to coordinate / help in constructing this wakf property in the form of finance and investment. The developer has offered Rs. 11 Lakhs as corpus fund towards the redevelopment of the wakf property. The matter has been scrutinized in respect to technicalities and all relevant documentation in this respect has been received by this office. This matter of redevelopment will help trustees obtaining the objects of Mansha-e-Wakf. both the trust and Wakf will be benefited by this redevelopment. The sanctity of the wakf will be preserved / protected. The trust to pay wakf fund to the wakf board every year.

Hence this matter is placed in the Board meeting for final approval, confirmation and Chief Executive Officer negotiate and issue of No Objection Certificate for redevelopment of trust / wakf property.

Resolution No. 150/2009 :-

It is hereby resolved approved and Chief Executive Officer will negotiate in the matter and issue noc in this matter

45.BAI REHMA BAI MADARSA TRUST MUMBAI.

This matter was kept in the Board meeting held on 14.08.2009 vide resolution no. 86/2009 u/s 25 and 32 of Wakf Act 1995 through the application dated 14.08.2009 as this being a small wakf property which is in dilapidated state requires instant redevelopment as there are tenants in the property which is danger to human kind. The trustees are redeveloping this trust property with help of the coordinator and have appointed one Mr. Faizan Gubitra to help the trust financially in redevelopment of Wakf property. The developer has offered Rs. 7 Lakhs as corpus fund towards redevelopment of the wakf property. The matter has been scrutinized in respect to technicalities and documentation all the relevant document has been received by this office. This matter redevelopment will help trustees obtaining the Mansha-e-Wakf. Both the trust and Wakf will be benefited by this redevelopment. The sanctity of the wakf will be preserved / protected. The trust to pay wakf fund every year to the wakf fund.

Hence this matter is placed in the Board meeting for final approval, confirmation and Chief Executive Officer to negotiate and grant of No Objection Certificate for redevelopment of Trust/wakf property.

Resolution No. 151/2009 :-

It is hereby resolved approved and The Chief Executive Officer will negotiate the matter and issue N.O.C. in this matter

46.KARMALI IBRAHIM CHEVALWALA SANATORIUM TRUST, MUMBAI.

This matter was kept in the Board meeting held on 21.11.2009 vide resolution no. 90/2008 u/s 25 and 32 of Wakf Act 1995 through the application dated. 14.11.2008 and revised application dated 04.11.2009 for Development / redevelopment of Wakf property bearing original plot no. 28, final plot no. 52, T.P.S. II of Andheri and bearing survey no. 120 and 94, CTS. No. 185, 185/1 to 185/7 of village Andheri Tq. Andheri admeasuring 3416.70 sq. mtrs or there about situated at J.P. Nagar Andheri West, as there is hardly any F.S.I. balance in the plot, T.D.R. has to be purchased from the market in the form of F.S.I. to be constructed on this plot in the form of residential and commercial premises. The trustees are developing / redeveloping

this trust/wakf property with help of a project coordinator M/s Lakdawala builders and developers through their proprietor Mr. Usman Gani Ismail Koradia who will develop and redevelop the property as per the terms condition decided and hand over property back to the trustees who will later on rent out the property after receiving heavy deposits in order to recover the cost of construction with certain profit from the open market in negotiation and consultation with M/s Lakdawala builders. As this development / redevelopment is an additional wing / annexure to the existing wakf property which will help the trust in creating incomes and obtaining the objects of Mansha-e-Wakf as per scheme proposed. As negotiated with the chief Executive Officer Rs.12/- lakhs to be paid as wakf fund to the wakf board by the trustees. The sanctity of the wakf will be preserved / protected. The trust to wakf fund every to the wakf board.

Hence this matter is placed in the Board meeting for final approval, confirmation and grant of No Objection Certificate for redevelopment of Trust/wakf property.

Resolution No. 152/2009 :-

It is hereby resolved approved and The Chief Executive Officer will negotiate the matter and issue N.O.C. in this matter

47. CASSIM ISMAIL MISTRY TRUST, MUMBAI.

This matter was kept in the Board meeting held on 3.4.2008 vide resolution no. 26.1/2008 and Board meeting held on 21.11.08 vide resolution 84/08 This is a matter of redevelopment u/s 32 of Wakf Act 1995. This matter has been scrutinized technically and relevant documents have been submitted to this office and No Objection Certificate has been issued. The trustee has offered to construct an additional annexure/building in the premises of Panchakki admeasuring approximately 2500 Sq. Ft. there about against the No Objection Certificate issued to the trust.

Hence the matter is placed in the Board meeting for final approval of additional annexure/building in the premises of Panchakki against the grant of No Objection Certificate for redevelopment of Trust/wakf property.

Resolution No. 153/2009 :-

It is hereby resolved approved and The Chief Executive Officer will negotiate the matter and issue N.O.C. in this matter

48.CHIRAGALI KABRASTAN TRUST, SOLAPUR.

This matter was kept in the Board meeting held on 14.11.2008 vide resolution no. 20/2009 u/s 25 and 32 of Wakf Act 1995 through the application dated. 10.07.2009 and revised application dated. 10.11.2009. The trust is holding land admeasuring 169640 sq. Mtrs. situated on Survey No. 9693 T.P. 1 and land admeasuring 13900 sq. Mtrs. sitauted on Final Plot no. 99, T.P. 2. This entire land belongs to Chiraghali Kabrastan Trust, the trustees have reserved the land into different categories such as technical college, Girls Hostel, Boys School, Gymkhana, Community Center, Charitable Institution, Housing etc. and have sanctioned this layout with the urban development department and published in Government Gazette 23.04.2009 vide Government Notification no. T.P.S-1707/818/C R-709/07 / U D – 13 Dated. 21.08.2008, this is an effort of the trustee to safe guard the land from illegal encroachers, illegal tenement and Government reservation. The trustees as per the plot reservation and sub division have taken an initiative to develop this trust property on its own cost an expenses, as there are housing reservation provision, the trustee will initially develop the housing portions situated on Survey. No. 9693 T.P.S.1 and admeasuring 20,200 Sq. Mtrs. and final plot 99 T.P.S. 2 admeasuring 13900 sq. Mtrs. and disposed this constructed building in the open market and the profit derived will be utilized for constructing Boys School admeasuring 15100 Sq. Mtrs, Girls School, 10100 Sq. Mtrs. community Hall admeasuring 10100 Sq. Mtrs., Technical College admeasuring 20200 Sq. Mtrs and community Hall admeasuring 1100 Sq. Mtrs respectively. The trustees in the resolution have decided to develop this project on the own in order to benefit the trust in always. The sanctity of wakf will be preserved / protected. This land being in the heart of the city is been targeted and victimized. So the trustees have decided to sanction and approve the entire layout by the concern Municipal Authorities or any other Government Local authorities. This development will help the Muslim community in creating opportunity and employment and trust and wakf will benefit. The income thus derived will help in obtaining the objects of Mansha-e-Wakf, wakf Board will receive huge wakf fund every year from this institution after development.

Hence this matter is placed in the Board meeting for final approval, confirmation and grant of No Objection Certificate for Development of Trust/wakf property.

Resolution No. 154/2009 :-

It is hereby resolved approved and The Chief Executive Officer will negotiate the matter and issue N.O.C. in this matter

49. **KUTCHI MASJID TRUST KARAD.**

This matter was kept in the Board meeting held on 14.11.2008 vide resolution no. 24/009 u/s 32 of Wakf Act 1995 through the application dated. 27.05.2009 for redevelopment of Kutchi Masjid Trust property bearing C.T.S. No 1, 3 and 235 admeasuring 560 Sq. Mtrs. out of which 104.5 Sq. Mtrs has been proposed in the application for redevelopment. The trustee has accepted M/s. Sai Deep constructions through news paper advertisement, this redevelopment will benefit the trust and wakf and the incomes derived from this redevelopment will help in obtaining the objects of Mansha-e-Wakf. The sanctity of wakf will be preserved / protected. The trust will benefit from development. The trust will pay wakf fund to the wakf board every year.

Hence this matter is placed in the Board meeting for final approval, confirmation and grant of No Objection Certificate for redevelopment of Trust/wakf property.

Resolution No. 155/2009 :-

It is hereby resolved approved and The Chief Executive Officer will negotiate the matter and issue N.O.C. in this matter

50. **TALOJA JAMA MASJID TRUST. TALOJA.**

This matter was kept in the Board meeting held on 21.11.2008 vide resolution no. 95/2008 and further kept in the Board meeting held on 14.08.2009 vide resolution no. 87/2009 through the Revise application dated. 09.11.2009. In previous application the trustees had applied u /s 51 of Wakf Act 1995 for sale of land and revise application trustee have applied of exchange of land and document submitted to this office. This matter of exchange to be discussed in this Board meeting for decision and approval.

Hence this matter kept in the Board meeting for decision and approval.

Resolution No. 156/2009 :-

It is resolved that the matter of exchange should be studied and re submitted to the Board in the next meeting

51. DARGAH HAZRAT PEER BABU JAMAL, KOLHAPUR.

This proposal kept Board meeting held on 26.07.2009 vide resolution 31/09 and Board meeting held on 14.08.2009 vide resolution no.89/2009 for exchange of trust land admeasuring 27.7 Acre u/s 51 of Wakf Act 1995 . In the meeting held on 14.08.2009 the Board had appointed three members committee specifically for this matter of exchangeof land and letter issued by the CEO, No. wakf/snt/225/3125/09 to three members to inspect the site and submitted report in the Board meeting.

Hence the matter is kept in the Board meeting for the further discussion, decision and approval.

Resolution No. 157/2009 :-

It is hereby resolved the three member committee will submit their report in the next board meeting accordingly.

52. DARGAH HAZRAT PEER RAJE BUXOR (PEERWADI) KHED DISTRICT SATARA.

This matter was kept in the Board meeting held on .21.11.2008 vide resolution 96/2008 further kept in the Board meeting held on 26.07.2008 vide resolution no. 29/2009 and again kept in Board meeting 14.08.09 vide resolution no. 88/09 as this matter of sale of Inam land class III to be kept in the Board meeting for discussion and decision.

Hence the matter is kept in the Board meeting for the further discussion, decision and approval.

Resolution No. 158/2009 :-

It is resolved that the matter of sale should be studied and re submitted to the Board in the next meeting

MOMINPURA MASJID TRUST, AKOLA.

Mominpura Masjid Trust Akola Dist. Akola registration no. MSBW/29/2009 an application of exchange of land u / s 51 of Wakf Act 1995 has been submitted to this office. The land bearing survey no. 88 admeasuring 6 Acres situated at Shiloda Akola. The trustees have agreed to exchange this peace of land of 6 Acres against constructed house situated on plot no. 229, Sheet no. 38 B, Akola admeasuring 59.3 sq. mtrs adjacent to the Mominpura Masjid, Akola from its owner Muhammad Hussain Haji Abdullah as per Government valuation the house is valued at Rs. 11,01,1619/- and the trust agricultural land is valued Rs. 10,50,000/-

As this land is away from city and no use to the trust and no incomes to the trust, as this Masjid requires additional space for wazoo khana and other utilization purpose of the Masjid. This exchange is in the best interest of the trust.

Hence this matter kept in the Board meeting for discussion, decision and approval.

Resolution No. 159/2009 :-

It is resolved that the matter of exchange should be studied and re submitted to the Board in the next meeting

53. LAL CHIMNEY TRUST, MUMBAI.

Lal Chimney Trust, Mumbai deemed registered u/s 43 of wakf Act 1995 has put up a proposal for assign, transfer, leasehold rights of wakf property through its trustee's application dated. 19.12.2009. The trust property which was leased by the trust dated 04.10.1911. The trust has mentioned in the application to assign, transfer lease hold rights of the property bearing C.S. No. 3/1900 admeasuring 953.19 Sq. Mtrs. situated at Byculla division, as the lease is expiring within two years and the trust is concerned to re-lease the property from the Collector due to financial problems as the property is fully tenanted in the form of sheds and chawls. There are Government reservations on the property such as road widening and hospital reservations. The

trustees are not benefited from the meager rent received from the old tenants. The trust is unable to fulfill the objects of the Mansha-e-Wakf due to no income from the wakf property. The trust cannot lease back the land as it is an expensive proposition. The trust is only the owner of the super structure on the land and not the land. The trust is lessee to the Collector. Due to such circumstances, the trustees has decided and negotiated with M/s. Decore real Estate Pvt. Ltd. Mumbai to assign, transfer of lease hold rights of the said property. M/s. Decore Real Estate Pvt. Ltd. has offered 3000 Sq. Fts. constructed area and Rs. 16 Lakhs to the trust against Assign, transfer of lease hold rights of the said property. M/s. Decore Real Estate Pvt. Ltd. will further lease the property prior to its expiry from the Collector by paying premium and then redevelop the said property and rehabilitate the tenants or settle them out. This deal will benefit the trust in obtaining the objects of Mansha-e-Wakf. Technical report to be submitted in this matter.

Hence this matter is placed in the Board meeting for final approval, confirmation and Chief Executive Officer to negotiate and grant of No Objection Certificate for Development of Trust/wakf property.

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Resolution No. 160/2009 :-

It is hereby resolved approved and CEO will negotiate the matter and issue noc in this matter

54.PEER SHAH GUL HUSSAIN SAHEB TRUST, KALYAN.

Peer Shah Gul Hussain Saheb Trust, Kalyan is deemed registered under section 43 of Wakf Act, 1995 has submitted an application for development of wakf property situated in Survey No. 248 Hissa No. 3 admeasuring 5 gunthas and Survey No. 248 Hissa No. 4 admeasuring 16 Gunthas 4 Sq. Mtrs. situated at village Kon, Kalyan Taluka Bhiwandi District Thane. This property as mentioned in the application is fully tenanted. The trustees have advertised in the newspaper and selected one M/s. Fortune Contractors and Developers who has bid the highest and offered Rs. 5/- lakhs as corpus fund towards redevelopment of trust property. The trustee passed a resolution and appointed him as developer for the said wakf property and the conditions have been mentioned in the memorandum of the understanding. This proposal is in the benefit of the wakf. The Board

has received complaint against other properties in respect to these trust properties this matter is to be investigated and technical report to be put before the Board.

Hence this matter is placed in the Board meeting for decision and discussion.

Resolution No. 161/2009 :-

It is resolved the report be called and placed before the Board for decision.

55. HUSSAINI COMPANY TRUST, MUMBAI.

This matter is kept in the Board meeting held on 21.11.2008 vide resolution No. 89/2008. The trustees have advertised in the newspaper for assign, transfer of lease hold rights of the said property. The trustees are lessee to the property; they have leased this property from the collector of Mumbai. The trustee is facing difficulties with the highest bidder M/s. Hilla builders due to some reasons. So the trustees have requested the board to decide to select developers among the remaining two to assign, transfer of lease hold rights of the said property in there name, as the trustees are lessee of the property. The Board to grant permission and allow the trustee to choose any of the two developers to whom he shall assign, transfer of lease holds rights of the said wakf property. Amendment to be made in respect of the said developer, as the trust is a lessee to the Collector Mumbai and only the Imla / super structure belongs to the trust. This proposal / matter to be confirmed in this meeting.

Hence this matter is placed in the Board meeting for final approval, confirmation and Chief Executive Officer to negotiate and grant of No Objection Certificate for Development of Trust/wakf property

Resolution No. 162/2009 :-

It is hereby resolved approved and CEO will negotiate the matter and issue noc in this matter

56. TAMBAKOO WALA

This matter was kept in the Board meeting held on 26.07.09 vide resolution No. 28/09. The trust registered with the Maharashtra State Board of Wakfs, Aurangabad. The trustees has submitted application dated 05.07.09 under section 25 and 32 of Wakf Act, 1995 for redevelopment of the wakf property situated in C.S. No. 1272 lower Parel admeasuring 1953.4 Mtrs. accommodating near about 120 tenants. The property being non productive to the trust in financial way so the trustees have decided to redevelop the property with the help of a project coordinator or any suitable person who would financially help the trust in redeveloping the said property. The trustees are facing financial crises in maintaining the trust affairs such maintenance and object of the Mansha-e-Wakf. The building is prior to 1940 and in dilapidated condition and it is a threat to the life to the people residing in the said building. The benefit of the proposal is as such that the tenants will get new constructed flats and the balance F.S.I. created out of redevelopment under section 33(7) D.C. Rules can be disposed off in the open market after recovering the expenses incurred on the redevelopment. Both the new and old occupants to pay lease rent to the trust. The trust and project coordinate will be benefited from this proposal. The sanctity of wakf will be preserved protected. The trust to pay wakf fund every year.

Hence this matter is placed in the Board meeting for final approval, confirmation and grant of No Objection Certificate for development of trust / wakf property.

Resolution No. 163/2009 :-

It is hereby resolved approved and CEO will negotiate the matter and issue noc in this matter

57. MASJID SATARA, VILLAGE SATARA, AURANGABAD.

This matter was kept in the Board meeting held 03.04.08 vide resolution No. 23.2/2008, further Board meeting held on 14.08.09 vide resolution No. 90/09. An application for sale / exchange dated 24.03.08 plot situated on Gut No. 304 admeasuring 59 acres there about. The trust has proposed to exchange this land with another land. It was corrected in meeting held on 14.08.09 vide resolution No. 90/09 that the proposal of exchange instead of sale of land. The Board to decide in this matter.

Hence this matter is placed in the Board meeting for final approval, confirmation and grant of No Objection Certificate for Development of Trust/wakf property.

Resolution No. 164/2009 :-

It is resolved and approved as per resolution no. 106/2009 in this meeting.

58. ZAKARIYA MASJID TRUST, MUMBAI.

Zakariya Masjid Trust, bearing PTR No. B-141 (Mum) deemed registered under section 43 of Wakf Act, 1995 an application dated 15.12.09 has been forwarded by the tenants of Bazarwala building property belonging to Zakariya Masjid Trust. The tenants have applied to the Board for redevelopment of the said property known as Bazarwala building situated on C.S. No. 1398 of Mandvi Division accommodating 56 tenants admeasuring 295.90 Sq. Mtrs. The tenants in the application have expressed their grievances about the property which has been inspected by our Mumbai office, which is in a very dilapidated state and the entire building is resting on wooden props (mondhas). This Bazarwala building may collapse any time and threat too many lives of the people residing in the said building. This application made by the tenants has been entertain due to non cooperation of the trustees in developing the said property, as stated by the tenants the trustees are least bother to even come to inspect the property and find a way to the grievances of the tenants residing in the Building. The fate of the tenants is in the hand of the Board to decide as negligence in this matter will lead to dire consequences. The Board to provide a builder in this matter of redevelopment, considering the condition of the Building accident may occur any time. Negligence of trustees will cause loss of life of tenants residing in the building known as Bazarwala Building. The fate of 56 families rest in the hand of the Board kindly gives justice to the grieved tenants in redevelopment of the said building.

Hence this matter is placed in the Board meeting for discussion and decision.

Resolution No. 165/2009 :-

It is resolved that the report may placed before the Board in the next meeting.

59. EVACUE WAKF PROPERTY KNOWN AS SIR CURRIMBHOY EBRAHIM TRUST

Sir Currimbhoy Ebrahim (Baronetey) Trust/Wakf is a wakf property which consists of five buildings. The said property was acquired under the provisions of Compensation and Rehabilitation Act, 1954 under section 12 by the Central Government of India and was declared as a Evacuee property under the vide order of the Central Government dated 10.04.1980 and the said property was administered by the Managing Officer of Bombay City. And later on the said property was administered by the Government of Maharashtra through Chief Settlement Commissioner, Mantralaya Mumbai and managed by Assistant Custodian of Evacuee property of Mumbai City. The locations of the said properties of Sir Currimbhoy Ebrahim (Baronetey) Trust/Wakf and alongwith the area is mentioned as under:-

Sr. No.	Name	Location	C.S. No.	Plot area	Total of the Building tenants
1	Colaba Chambers	150, Colaba Road, Colaba, Mumbai, 05	C.S. No. 61, New S. No. 9677, Colaba Division	2570.00 Sq. Yds.	41 Flats
2	Currimbhoy Manor	41, Bhulabhai Desai Road, Mumbai 26	C.S. No. 2, C/755, New S. No. 7096, Malbar Hill Div.	1624.00 Sq. Yds.	1 Terrace Flat, 8 Flats
3	Muhammad bhoy Mansion	7, N. S. Patkar Marg, Mumbai 36	C.S. No. 561, New S. No. 1/7377 (P), Malbar Hill Div.	1632.00 Sq. Yds.	8 Flats, 2 Shops
4	Mehboob Building A, B & C Blocks	Musafirkhana Road, Mumbai 01	C.S. No. 1/1504. C.S. No. 2/1504. C.S. No. 3/1504	974.40 Sq. Yds. 653.77 Sq. Yds. 845.38 Sq. Yds.	27 Shops, 126 Rooms
5	Mahim Mansion A	M. M. Chhotani,	C.S. No. 2/1219 of	2044.00 Sq. Yds	25 Shops, 156 Rooms

	& B Blocks	Road, Mahim, Mumbai 16	Mahim New S. No. 106(P)		

As per the report dated 01/12/2009 submitted by Regional Wakf Officer, Konkan Region Mumbai and Investigation Officer Maharashtra State Board of Wakfs for initiating the proceedings U/s 108 of Wakf Act 1995 and taking possession and administration of Sir Currimbhoy Ebrahim (Baronetey) Trust/Wakf Evacuee Wakf Property from the 1) Chief Settlement Commissioner, Mantralaya Mumbai and 2) Assistant Custodian (Managing Officer) of Evacuee property of Mumbai City (Rehabilitation Branch) United India Bldg 4th Floor, Sir P.M.Road Fort Mumbai and for Registration of the said Sir Currimbhoy Ebrahim (Baronetey) Trust/Wakf along with Scheme for Administration of Trust /Wakf U/s 36 of Wakf Act 1995 in respect of the properties of the above said Trust.

Hence this matter is placed in the Board meeting for Discussion and suitable Decision.

Resolution No. 166/2009 :-

It is hereby resolved that the ceo is hereby authorized to take necessary action in this matter

61. Shahi Masjid Trust Alephata Tq. Junner Dist Pune-increase in lease amount and period.

Shahi Masjid Trust/Wakf registered under Wakf Act 1995 bearing registration no. MSBW/51 /2007 dated 01/12/2007 has submitted an application dated 12/8/2009 for 3 years lease of Masjid property bearing gut no. 2510 at Alephata Tq. Junner Dist Pune admeasuring 20 Acres open barren land to Mr. Mahemood Hasan Haji Mohammed Quadri and Farhad Mahemood Hasan Quadri R/o Mumbai. As per section 56 of the Wakf Act the lease can be granted for maximum 3 years by the Board. In this regard the Chief Executive Officer of Maharashtra State Board of Wakf may be delegated the powers to negotiate the rates of annual lease and donation and allow agreement between the trustees and the tenant accordingly. The report will be submitted in the next meeting.

Hence matter submitted for discussion and decision

Resolution No. 167/2009 :-

It is hereby resolved approved and CEO will negotiate the matter and issue noc in this matter

62. **Increase in Rent of Wakf property**

The Maharahtra State Board of Wakfs has regularized 88 encroachers of land survey no. 508,509 of Kali Masjid Jalna in the year 2008. Accordingly the Board received an amount of Rs. 3,81,860/- as rent and Rs. 6,71,400/-.as donation. Now it is necessary to revised rent as per our agreement for next 11 months after an increase in 25% of the rent already prescribed. This revision may be given for all tenants of the Board. Hence submitted for discussion and decision.

Resolution No. 168/2009 :-

It is hereby resolved approved that CEO should increase the rate and generate more revenue to the Board.

QAZAT SECTION

६३. संपुर्ण महाराट्रात महाराष्ट्र राज्य वक्फ मंडळाकडून विवाह (सियाजात) विक्री रण्यांस मान्यता मिळणे बाबत.

टिपण:- कजात कायदा १८८० हा वेगळा कायदा असून वक्फ कायदयांत याचा समावेश नाही सदरचा कायदा राज्य शासन स्वत: चे स्तरावर हताळत आहे परंतू महाराष्ट्र शासनानी माठवाडा वक्फ बोर्डाचे पत्र क्र. ११९ दि.१८.०१.१९५९ अन्वये कजातवर नियंत्रण ठेवण्यासाठी त्यांचे महसूल विभाग सचिवालय मुंबई- ३२ चे पत्र क्र. डब्ल्यू के एफ ४४६० /१३५०८-डब्ल्यू दि. ४.३.१९६० अन्वये मराठवाडा विभागासाठी (सियाहजात) विवाह फार्म विक्री करून त्याचे अभिलेख ठेवण्या ाठी विभागीय कमिटी मराठवाडा यांना अधिकार प्रदान केलेले आहे. तेव्हा पासून वक्फ मंडळामार्फत मराठवाडयात विवाह फार्म (सियाहजात) विक्री करण्यात येत आहे व त्याचे रेकॉर्ड ही वक्फ मंडळात ठेवण्यांत येत आहे.

महाराष्ट्र राजयात मराठवाडा वगळून इतर विभागात शहरी भागात ग्रामिण भागात विवाह होत आहे व त्यांचे अभिलेख ज्या त्या मस्जीदीत ठेवण्यांत येते पंरतू या विवाह झाल्या नंतर ज्या कायदेशिर बाबी उदभवत आहे. त्याचा निपटारा करण्यास न्यायालयीन प्रक्रियेस फार अडचण येत आहे तयचे मुख्य कारण की होत असलेले विवाह चे अभिलेख योग्य रितीने ठेवण्यात येत नाही. तसेच सध्या हज यात्रेसाठी कायमचे पासपोर्ट असणे अनिवार्यह करण्यांत आलेले आहे पासपोर्ट साठी विवाह अभिलेख योग्य व व्यवस्थतीत नसल्यामुळे लोकांना फार अडचणीस तोंड दयावे लागत आहे. सध्या महाराष्ट्र राज्य वक्फ मंडळानी मुस्लीम पर्सनल लॉ यांनी ज्या पध्दतीने विवा फार्म (सियाहजात) प्रसिध्द केलेले आहे. वक्फ मंडळाचे परवानगी व मान्यतेने

त्याच धर्तीवर चांगल्या प्रकारचे विवाह फार्म (सियाहजात) छपाई करून घेण्यांत आलेले आहे या फार्मची महाराष्ट्रात मोठया प्रमाणांत मागणी होत आहे परंतू मराठवाडा वगळून इतर विभागासाठी शासनाची परवानगी नसल्यामुळे विवाह फार्म विकता येत नाही म्हणून वक्फ मंडळाचे मुख्यालयाकडून शासनास वेळोवेळी पत्र देवून विनंती करण्यांत आलेली आहे. शासनानी संपुर्ण राज्यात विवाह फार्म विक्री करून त्याचे अभिलेख देण्याची जबाबदारी वक्फ मंडळाकडे दिल्यास महाराष्ट्रातील मुस्लीम जनतेस खालील प्रमाणे सवलत निर्माण होईल वक्फ मंडळाचेउत्पन्नात ही भर पडेल.

१. (सियाहजात) विवाह फार्म चे एका वर्षात २०० सेट सध्या (२००० सियानाम/लग्ण प्रमाणपत्र) ३० जिल्हयासाठी प्रति सेट रूपये ७००/- प्रमाणे प्रति सेट एका सेटमध्ये १० विवाह प्रमाणपत्र ४२,००,०००/- व मुंबईसाठी रूपये ८,००,०००/- एकूण उत्पन्न ५०,००,०००/- लाख होईल. त्यातून सियानामे छपाई साठी अपेक्षीत खर्च रूपये ८,००,०००/- व त्यापेक्षा जास्त ही उत्पन्न अपेक्षीत आहे. सध्या महाराष्ट्र राज्य वक्फ मंडळाचे विभागीय कार्यालय जवळपास सर्वच ठिकाणी सुरू झालेले आहे. सध्या सदरचे विभागीय पातळीवरून विवाह फार्म विक्री करता येईल.

२. संपुर्ण महाराष्ट्राचे सियाहजातचे अभिलेख एकत्रिकरण होईल व कायदेशिर वादांचा निपटारा करण्यास मदत होइल.

३. विविध कामा निमित्त जनतेला लागत असलेले विवाह फार्मचे प्रमाणीत प्रति उपलब्ध करून देता येईल.

४. पासपोर्ट, विजा जातीचे प्रमाणपत्र , वारसांची नोंदी बाबत या विवा फार्म चे प्रमाणित प्रती जनतेला इंग्रजी मध्ये Marriage Certificate उपलब्ध करून देता येईल व त्यामधून ही वक्फ मंडळास उत्पन्न प्राप्त होईल.

५. म्हणून कझात कायदा १९८० मधील तरतूदीनुसार वक्फ मंडळास कोणतेही इतरअधिकार न देता फक्त संपुर्ण राज्यात सियाजात निर्गमित करण्याचे व विवाह अभिलेख ठेवण्यावर नियंत्रण ठेवण्याचा अधिकार मिळणे बाबत शासनाकडे प्रयत्न करणे आवश्यक आहे.

मान्यतेस्तव व माहीतीस्तव सादर.

Resolution No. 169/2009 :- Defferred

CASES SECTION

64. Currimbhoy Ebrahimbhoy Khoja Orphanage Trust, Altamount Road, Mumbai regarding approval of Sale of land.

A draft was prepared on behalf of Maharashtra State Board of Wakfs in respect of Currimbhoy Ebrahim Khoja Orphanage regarding sale of property at Altamount Road to Antilia Commercial Pvt Ltd. That the Board should resolve to authorize certain person who may take all such steps in consultation with legal expert to resolve the issue of sale of property by Currimbhoy Ebrahim Khoja Orphanage to Antilia Commercial Pvt Ltd that

these persons will also be authorised to refer the matter to arbitrator, conciliation or mediation of retired judge and take all such steps as may be necessary on behalf of the Board.

Hence this matter is kept before the Board for discussion and decision.

Resolution No. 170/2009:-

It has been resolved that a three member committee comprising of Two Board members namely Mr. A.U. Pathan and Madam Shaheen Kadri along with the Chief Executiv Officer be constituted. This committee will under take the task of filing a petition in the Supreme Court under Article 41 of the Constitution of India to appoint an arbitrator/conciliator/mediator to arrive at an amicable solution /settlement in the matter.

Any other matter with the permission of the chair

1) Instruction to Chief Executive officer Maharashtra State Board of Wakfs Aurangabad.

Resolution No. 171/2009

further it is resolved that the CEO should write to all the Collector of the Maharashtra State informing them that whenever any wakf land is to be acquired for government purpose in that case the collectors should take the permission of the Board u/s 91 of the Wakf Act 1995, only after the the approval of Board the land should be acquired and appropriate compensation paid to the Board

Hon'ble Tarique Anwar
Member Maharashtra State Board of Wakfs

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

Hon'ble Maulana Gulam Wastanvi
Member Maharashtra State Board of Wakfs

Hon'ble Miss Shaheen Kadri
Member Maharashtra State Board of Wakfs: :

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