महाराष्ट्र राज्य वक्फ मंडळ

Minutes of the Meeting of Maharashtra State Board of Wakfs, held on 01 /03/2010. at 12.30 p.m. at Sahyadri Guest House, Malabar Hill, Mumbai

The Board meeting was convened at 12:30 pm on 01-03-2010 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 12:30 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 members

Resolution No.43/2010:-

Leave of Janab Maulana Gulam Wastanvi is hereby sanctioned by the Board.

Point No. 2 Confirmation of Minutes Dated 08-02-2010

Resolution No. 44/2010 :-

It is unanimously resolved that the minutes dated 08th Feb-2010.were read and confirmed.

Point No. 3 :- Time :-12:30 pm to 2:00 pm

Discussion with M/s Antilia Commercial Pvt Ltd. In the matter of Currimbhoy Ebrahimbhoy Khoja Trust.

Resolution No.:- 45/2010

It is hereby resolved that the incomplete discussion is to be completed in the next sitting when all four board members are present.

Point No. 4 Dargah Peer Baghdadi Trust Dadar Mumbai

Property bearing City Survey no. 199 F.P. no. 48 Mahim Mumbai. An agreement between Mr. Vijay Shetty proprieter Visawa Hotel and trustees of the said Dargah. as per the application of the trustees the Maharashtra State Board of Wakfs has passed resolution no. 39/2008 dated 27/05/2008 for devlopment of property. in this matter one of the trustee Mr. Farid A latif and others filed a writ petition no. 7880/2008 in Hon'ble High Court Bombay. Hon'ble High Court's decision is submitted for Board's discussion and decission.

Resolution No. 46/2010

Peer Bagdadi Dargah Dadar Trust,

Pursuant to the direction of the Bombay High Court in writ petition no. 1006 dated 25th Nov 2010 wherein the High Court had directed the Wakf Board to decide the validity of the transaction taken place between the Mutawalli of the said Wakf and its tenant.

The Mutawalli and tenant signed and executed two agreements where under the premises occupied by the tenant was to be redeveloped. The Chief Executive Officer on receipt of complaint that the Mutawalli had sold property under priced to said tenant without sanction of the Wakf Board, issued stop work notice and conducted thorough investigation. He came to know that the Mutawalli did not sell the premises but intended to redevelop the tenanted premises. After examining various documents and the position at site, Chief Executive Officer came to the conclusion that whatever F.S.I. which was balance after constructing the Mosque could have been only utilized above the premises occupied by the tenant. Also the access to the above floor could only be provided from within the said tenanted premises. Therefore, the Mutawallis had no option except to redevelop the tenanted premises occupied by the said tenant.

Keeping in view that the redevelop was only possible by the tenanted area on the ground floor for staircase and lift and by breaking his

kitchen for column. It is the contention of the Mutawallis that they were left with no option but to enter into those agreement to utilize the balance F.S.I. as the same was being wasted by unauthorised construction by the other tenants/occupants.

It is clear from the record that entire plans are sanctioned by the Municipal Corporation of Greater Mumbai in the name of the said Trust, the trust remains the owners of the redeveloped premises, the entire cost of construction is borne by the tenant, and he also pays a consideration for the redevelopment. From the agreement it is evident that the tenant would remain only a monthly tenant even after the redevelopment of the tenanted premises.

However the Chief Executive Officer during the course of hearing suggested increasing the consideration of Rs. 6100000/- (Rupees sixty one lakh only) to 1000000/- (Rupees one crore only) and also the rent from Rs. 8900/- (Rupees eight thousand nine hundred only) to 20,000/- (Rupees twenty thousand only) per month. The parties to the agreement have agreed and gave undertaking to incorporate the said enhancement by filling affidavit and have executed supplementary agreement. Under the facts and circumstances of the case the Board is of the view that the entire transaction is legal and is in the interest of the said Wakf. The Wakf retains the ownership of the redevelopment premises and the tenant continues to remain a monthly tenant. Therefore, the transaction is not covered section 51 or section 56 of the Wakf Act 1995.

Hence the Board unanimously resolves that "entire transaction between the Mutawalli and the tenant is legal, valid". As the such the Board reconfirms its earlier resolution no. 39 dated 27th May 2008 it is unanimously resolved to authorise Chief Executive Officer to issue an order in terms of this resolution and communicate the same to the parties.

Today the Wakf Board has received a letter of the Adv. For respondent no. 5,6,7 and 9 where in an undertaking is given that the trustees have already filed application for condonation of parking space within the vicinity of the Mosque. The trustees undertake to take every possible efforts to have the said parking condoned.

Point No. 5 :-

Hon'ble Minister for Minority Development Department Maharashtra State, Mantralaya, Mumbai has passed the order on behalf of Government

of Maharashtra on dated 02/02/2010 under section 65 (2)of the Wakf Act 1995 in respect Mehdi Bagh Wakt Nagpur bearing registration no. MSBW/39/2008. In this matter Minister has directed to Chief Executive Officer in his order to decide as to whether there was any Mutawalli on dated 26/07/2009.

In this regard it is necessary to delegate power u/s 65 of the Wakf Act 1995 for hear and decide the matter in respect of Mehdi Bagh Trust Nagpur. Hence matter submitted for discussion and decision.

Resolution No.:- 47/2010

It is unanimously resolved that the Maharashtra State Board of Wakfs members along with Chief Executive Officer will hear the matter and decide

ADDITIONAL AGENDA POINTS

SINYANAT SECTION

POINT NO:- 6

NAVPADA MASJID BANDRA AND SANTACRUZ GOLIBAR DARGAH TRUST

Navpada Masjid Bandra and Santacruz Golibar Dargah Trust is registered under section 43 of the Wakf Act 1995 the trustees have put up a proposal for redevelopment through application dated 23/02/2010, plot bearing final plot no. 1386, 1388,1389,1390,1391 and 1392 admeasuring 2750 sq. mtrs situated at Bandra Mumbai suburban District. The property of the trust is surrounded around the mosque in the form of chawls and building structures. This Masjid and the surrounding property are constructed prior to 1920 and is in a dilapidated condition. Due to rise in population in and around Bandra Region there is a need for expansion of Masjid premises and the area surrounding which is a property of the Masjid as mentioned above, the trust property needs to be redeveloped as the trust is fetching meager rent from the old tenements and as there is no boundary to the property which again invites encroachment. The trustees are exhausted by maintaining such affairs due to lack of fund available in the form of rent. As there is no income from this property to the institution, the redevelopment of the trust property will provide corpus fund additional constructed space to the Trust to increase the revenue of the institution and help in obtaining the object of Mansha-e-Wakf. The tenants in the property are facing difficulty in residing in the premises due to poor infrastructure, they are willing and reuesting the trustees to redevelop the trust property. This redevelopment will benefit the trust institution and the Wakf the Board will receive Wakf fund every year regularly. The trust to pay Wakf fund to

the Board against the corpus fund received. Hence this matter kept in the Board for discussion and approval.

Resolution No.:- 48/2010:- Deferred to next meeting

POINT NO 7.:-

Peer Shahgul Hussain Saheb Trust Kalyan Dist Thane

This matter was kept in the Board meeting held on 24/12/2009 vide resolution no. 161/2009 and revised application is now submitted for redevelopment of above mentioned Wakf property bearing survey no. 248 hissa no. 3& 4 admeasuring 5 Guntha situated at vilage Kon, Tq. Kalyan Dist Thane. The trustees have advertised in the news paper dated 14/07/2009 and have accepted M/s Fortune Contractor and developer who had bid the highest and offer Rs. 5 Lakh as corpus fund and certain area to handed over to the trustees after redevelopment, the trustees have accepted this offer being the highest and rewarded the redevelopment to M/s Fortune Contractor and developers. The trustees have passed a resolution an appointed M/s Fortune Contractor and developers to redevelop the Wakf property. this proposal is in the benefit of the Wakf institution. The Board will receive Wakf fund against the redevelopment of Wakf property. The matter is to be scrutinized by the section and ceo.Hence this matter kept in the Board for discussion and approval.

Resolution No.:- 49/2010:- Deferred to next meeting

Point No.8:-

Construction of Commercial Shops on Wakf land belonging to Dargah Hazrat Wahabuddin Rh & Graveyard opposite Daulatabad fort Dist Aurangabad.

Dargah Hazrat Wahabuddin Rh & Graveyard opp Daulatabad fort approximatley 2 acre Wakf land bearing C T S No. 223 in direct control & possession of Maharashtra State Board of Wakfs, Aurangabad. There is 10x 70 mtrs commercial portion land in west side of wakf land opp. Daulatabad fort. If Wakf Board constructs 10 or more shops in front of Daulatabad fort it will definetly increase the Board's revenue to be earned from rent of shops. At present we are charging Rs. 10/- per sq. ft for the shops. Hence matter submitted for discussion and decision.

Resolution No.:- 50/2010:-

It is unanimously resolved that the proposal is hereby approved.

Point No.9:-

Jama Masjid Varud Tq. Varud Dist Amravati –Land acquisition.

The Executive Engineer, Irrigation Division Amravati has applied to C E O Maharashtra State Board of Wakfs, Aurangabad on 15/05/2009 for permission of N O C for purchase of Wakf land Gut No 15 admeasuring 11.01 Hectares for construction of Irrigation Dam.as per orders of Government of Maharashtra vide order no M-A-2007 (128/7) dt.11/04/2007. The Executive Engineer, further requested that aforesaid Wakf land will be purchased as per market value and negotiated with the trustees of above said trust and the value is fixed Rupees 26,47,655/- for 11.01 Hectares. The Secretary, Jama Masjid trust. vide letter dt.19/01/2010 has requested that Executive Engineer Irrigation Division Amravati has informed to acquire Wakf land for construction of irrigation Dam. Therefore N O C for transfer of Wakf land may be passed in favour of Govt. of Maharashtra.

As per section 91 of wakf Act 1995 if the Govt. decides to acquire the wakf land for public purpose, the Wakf Board may consider the issue in its meeting and decide to issue N O C for transfer of the above said land. Hence matter submitted for discussion and decision.

Resolution No.:- 51/2010:-

It is unanimously resolved that the proposal is hereby approved.

ENQUIRY-SECTION

Point No. 10

EVACUEE PROPERTY MUMBAI.

This matter was placed in the Board meeting held on 24.12.09 vide resolution no. 166/2009 and 08/2/2010 vide resolution no. 30/2010 that the Board has passed in their resolution and authorized the Chief Executive Officer, Maharashtra State Board of Wakfs, Aurangabad to take necessary steps in the matter of evacuee properties Mumbai, so this matter was therefore placed before the Board to take further steps as decided by the Chief Executive Officer, Maharashtra State Board of Wakfs, Aurangabad, which were as follows:

1. Letter to The Chief Settlement Commissioner, Mantralaya, Mumbai and The Assistant Custodian (Managing Officer) of Evacuee property related to management of Wakf Evacuee properties.
2. To declare the evacuee properties as wakf properties after scrutiny of the trust/wakf deed and publish the same in Government Gazette.
3. To register the trust / wakf under the provision of Wakf Act, 1995.
4. To issue letters to the concerned parties as per the report submitted dated 01.12.09 by the Regional Wakf Officer, Kokan region Mumbai and investigation Officer, Maharashtra State Board of Wakfs, Aurangabad.

Accordingly the Chief Executive Officer has issued a letter dated 02/02/2010 to Chief Settlement Commissioner, Mantralaya, Mumbai and The Assistant Custodian (Managing Officer) regarding the handing over the possession and management of the properties of Sir Currimbhoy Ibrahim Baronatey Trust Evacuee Wakf / Trust property to Wakf Board since there is no correspondence and reply from the above authority. Hence this matter is placed in the Board meeting to give reminder to them so also through the govt. in minority development deptt., and then after thorough scrutiny of trust/wakf deed to publish the properties of Sir Currimbhoy Ibrahim Baronatey Trust, properties as wakf properties in Government Gazette and to register the trust / wakf under the provision of Wakf Act, 1995 and appoint the Mutawalli and trustees accordingly.

Resolution No.:- 52 /2010:- Deferred to next meeting

Hon'ble Tarique Anwar
Member Maharashtra State Board of Wakfs

Hon'ble Ahmed Khan Usman Khan
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