MINUTE OF THE MEETING OF MAHARASHTRA STATE BOARD OF WAKFS, AURANGABAD HELD ON 10.06.2011 AT. 05.00 P.M. AT SAHYADRI GUEST HOUSE, MALBAR HILL, MUMBAI

The Board meeting was convened at 5.00 P.M. on 10th June 2011 at Sahyadri Guest House, Malbar Hill, Mumbai. The following Board Members and Officers were present.

(1) Hon'ble Member Tariq Anwar
(2) Hon'ble Member Adv. A.U.Pathan
(3) Hon'ble Member Gulam Wastanvi
(4) Hon'ble Member Shaheen Kadri
(5) Janab N. D. Pathan, Ex-Officio Secretary

As the full quorum was available, the meeting began at 5.00 p.m. Hon'ble Member Tariq Anwar Sahab, Member of Parliament presided over the meeting with the consent of all Board Members.

1) To Grant leave of absence if any.

Resolution No:- 1

All members presents.

2) Confirmation of Minutes Dated 10-05-2011

The minutes held on 10.05.2011 read and confirm.

Enquiry Section.

3) Discussion regarding 130 matters of illegal Transaction of Wakf property in Mumbai and etc.

It is submitted that the Wakf Act 1995 was implemented throughout the India with effect from 1-1-1996. The Government of Maharashtra has issued Notification in the year 1997 for Survey of Wakf properties scattered all over the Maharashtra. Factual position of the Wakf properties in the Maharashtra is the Muslim Wakfs situated in the Marathwada Region were controlled and managed under the Wakf Act 1954 and rest of the Maharashtra were controlled

under Bombay Public Trust Act 1950. After the amended Wakf Act 1995 implemented throughout India the Charity Commissioner have no jurisdiction to interfere and carryout proceedings of Muslim Wakfs in the Maharashtra. Unfortunately due to lack of Staff and lack of infrastructure facilities with the Wakf Board the Charity Commissioner & Trustees have played a conspiracy against the Wakf Board and made applications before the Wakf Minister and Honourable High Court in respect of determination of the Muslim Wakfs and Trusts and they have filed 188 Writ Petitions against the Wakf Board, behind the motto is to exploit the Wakf properties specially in Western Maharashtra. The Body constituted as per the directions of the Wakf Minister on 8-8-2004 have no statutory provision to constitute it, the power to declare as Wakf is vested with the Wakf Board under section 40 of the Wakf Act 1995. Even though if any person aggrieved by the order of the Maharashtra State Board of Wakfs, he can make application before the Wakf Tribunal only. He have no rights to approach directly to Honourable High Court . Honourable High Court has no powers to hear these cases basically. Hence this matter is very serious one and we should plead that the Honourable High Court have no jurisdiction at all by stressing on this point only. Whereas the Maharashtra State Board of Wakfs has been formed as per Wakf Act 1995 on 4-1-2002, after this date the Charity Commissioner of Maharashtra has granted 130 permissions to sale out the Wakf properties in of the Bombay and Suburban without having any authority and jurisdiction, list is enclosed herewith for kind perusal. We have made several representations to the Government of Maharashtra as well as Charity Commissioner regarding this illegal activities carried out by the Charity Commissioner without having any authority. As per the meeting held by Hon'ble Minister, Minority Development Department, Janab Arif Naseem Khan on dt. 16.05.2011 as per the minutes of this meeting the Government has entrusted to the Board in respect of the restoration of Wakf Properties u/s 52 of the Wakf Act, to proceeding to be initiated the power may kindly be delegated to the CEO, for initiate restore the wakf property illegally sold out.

Resolution No. 3

It is unanimously resolved that the matter will be filed in the Hon'ble High Court Bombay against the ordered passed the order under section 36 (1)a of the BPT Act 1950 by the Charity Commissioner Mumbai without having nay authority after implementation of Wakf Act 1995.

4) To appoint senior counsel for clubbed matter to be plead in Bombay High Court,

It is submitted that the wakf Act 1995 was implemented throughout India from 01-01-1996 and in Maharashtra State also. When the constitution of Wakf Board carried on 04-01-2002. The same of the trustees has filed the so many writ petition against the Notification issued by the Government as well as challenge the constitution of Board as per Wakf Act 1995.

Where as the Government Maharashtra Law and Judiciary has hold the meeting on dt. 11.08.2004 and decided to forma bifurcation committee presided by Charity Commissioner without having any provision in the law, and on 24.07.2003 the Charity Commissioner has issued the Circular restraining his subordinate staff to do not initiated any proceeding is respect of Muslim Wakf Institutions the majority of Trustees have challenged this circular also.

Therefore from the above fact the Charity Commissioner and the trustees who have with ill intention, conspired against the wakf Board and 188 cases was filed till to this date out of which approx 60. Write petition either withdraw discussed or disposed of . to plead these cases the wakf Board has appointed Mr. Nusrat Shah Advocate Mr. R.M. Momin Advocate but unfortunately he has not pleaded properly and keep in the so many cases.

Therefore it is essential and necessary to appoint the senior counsel to defend the said cases

The matter is submitted for discussion and decision.

Resolution No. 4

It is unanimously resolved that the Maharashtra State Board of Wakfs has gone through the all above matters and it was decided that one legal consultant may be appointed to share the work load of these 118 matters pending in the Hon'ble Bombay High Court. It was pointed out by Mr. A. U. Pathan Hon'ble Member that Ex-Chief Executive Officer Mr. A. R. Shaikh who is well versed with these cases may be appointed as legal consultant under section 32 (O) of the Wakf Act 1995. The honorarium may be fixed @ Rs. 25000/- for these above matters.

5) **Delegation of Power to Chief Executive Officer u/s 18, 32 (except 32 (j)) 36, 41, 40, 42, 43, 52, 56, 63, 64,65 70, 71 of the Wakf Act, 1995.**

The Chief Executive Officer submitted that the duties under these provisions are to be regularly carried out by Chief Executive Officer on behalf of Board and orders are to be passed as required , but in absence of delegations the action of Chief Executive Officer may be challenged. Therefore, it is necessary to make general delegation of powers of Board under above sections to the Chief Executive Officer as provided in section 27 of the Wakf Act 1995. Hence submitted for Board's discussion and resolved to delegate.

Resolution No. 5

It is unanimously resolved that powers of Board under section 18, 32 (except 32 (j)) 36, 40,41, 42, 43, 52, 56, 63, 64,65 70, 71 of the Wakf Act, 1995 are delegated to Chief Executive Officer of Board for carrying out regular functions of Board.

Siyanat Section.

6) **Permission for Sayed Badruddin Dargah Trust Raigadh.**

Peer Sayeed Badruddin Dargah Trust, Taloja, Raigad, bearing PTR no. B-16 (Raigad) registered U/s 43 of the Wakf Act 1995. The trust has been registered with the Wakf Board and have filed an prayer and Affidavit on 7.4.2010 pleading to regularize the Development permission granted by Office of Chairman, the Trustees of the Trust Peer Sayeed Badruddin Dargah Trust had applied on 27.3.2004 in the Honorable Chairman office Mumbai for Development of Trust property U/s 32 (4) of Wakf Act 1995 for Land bearing Survey No. 84/1 to 6, 81/1 to 2, 82/0, 73, 87 and Part of B 10/2, 1B, 1A (1), 12/1 and 26 situated at village Rohinjan, Taluka Panvel Dist. Raigad, completely occupied and in possession of Kul Owners since many decades, the trust was given permission for Development from Chairman office permission dated 5.7.2004 for Development of Trust property to Trust and it's Developer M/s Blue Circle Home, Sector 17, Vashi, New Mumbai, an agreement of Development was executed accordingly between them.

The trustees of the trust peer Sayeed Badruddin Dargah Trust had put an application in the year 2009 to our office to remove the Kul or protected tenants under the provision of Wakf Act 1995 from the trust property for further Development of Trust property as per permission granted by the Chairman office, Mumbai the Wakf Office had instructed the trustees to present all the relevant document pertaining to Development of trust property, it was explained to the trustees that the permission of the Chairman office has no value nor locus standi, they were instructed to re-apply to Board for Development of Trust property, litigation in the matter of Trustees is sub-Judice before the Honorable Wakf Tribunal.

The trust through its trustees of Peer Sayeed Badruddin Dargah Trust again held an plead application and an affidavit on 7th April 2011 earlier mentioned above with complete details and relevant supporting documents, decades and in what condition the permission was granted , the trustees humbly requesting Board to confirm the permission granted by Honorable Chairman Office, has come forward on it's own to regularize the Order/permission under provision of Wakf Act 1995, as the trust is victim of time and circumstances as the Honorable Chairman was having Wakf Board office in Mumbai, the Trustees approached it's office and fulfilled the formality for permission of Development of above mentioned trust property. The trustees/ Developers have begged

to grant relief by the due process of law and even are ready to give Donation and ready to complete all necessary procedure of the Board to regularize the permission for development.

Hence this matter is kept before the Wakf Board for Discussion and Decision.

Resolution No. 6 .

It is hereby resolved that the Chief Executive Officer to issue permission.

7) **Makhdum Bibi Wakf, Panvle Dist. Raigad. B-110.**

Magdum Bibi Wakf (PTR no. B-110- Panvel Raigad)) is registered U/s. 43 of Wakf Act, 1995 and registered with wakf registration no. MSBW/RGD/175/ 2010 has put up a proposal of development of Trust land through its application dated 21.02.2011 the Trust has land bearing final plot no. 280 & 281/1, Survey no. 457A/1 + 2/A admeasuring 10276.90 sq.mtrs or thereabout, within the jurisdiction of Sub-registrar of Assurances Panvel (Dist Panvel) and situated at Village at Panvel, Dist. Raigad . The trust was originally registered with the charity commissioner bearing PTR no. B-110(Panvel Dist Raigad) The Trust has lands, majority of them Acquired by the government (CIDCO), The trustee is finding dificulties in maintaining such affairs of the trust due to lack of fund available, some of the agricultural are under 'KUL' or protected tenants. The Trust property is affected by the "KUL" on it, it is required to be settled or removed, no revenue is derived from this land to obtain the objectives of mansha-e- wakf. So the trustee has decided to develop the property mentioned above with the help of a project coordinator and given an consent (Directive) to develop the Trust property. The trustees advertisement in the new paper calling for Developers to develop the trust properties. Trust received three offer out of which M/s Okay pvt. Ltd. To offer 70% developers 30% trust development proposal which was accepted by the trustee. This proposal is in the best interest of the trust as the trust was only receiving Rs500/- yearly lease rent for this huge piece of land on development of this land, it will receive approx 35000 sq. ft. area or above worth cores and later it will rented and fetch lakhs as rent and smoothly run the affairs of the trust This development will benefit the Trust institution and Wakf. The Board will recieve wakf fund every year regularly. The Trustee to pay Wakf fund against the development of the Trust property, self development with the help of project coordinators will help in making huge profit for the Trust. This proposal is in best interest of wakf and trust hence permission is required in this matter of development from the board.

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

Resolution No. 7

It is hereby resolved that the Chief Executive Officer to issue permission.

Point:-8 **Zakariya Masjid Trust;-**

This matter of re-development was kept in the board meeting on 24.12.2009 vide resolution 165/2009 and was instructed to kept in the next board meeting along with reports. Zakariya Masjid Trust, bearing PTR No. B-141 (Mum) deemed registered under section 43 of Wakf Act, 1995 an application dated 15.12.09 & 1.2.2011 for re-development of "Bazarwala building" situated on C.S.no.1398, behind minera Masjid, bazaar road, admeasuring 295.00 sq.mtrs. Of Mandvi Division accommodating 56 tenants property bearing belonging to Zakariya Masjid Trust. The Trustees in the application have expressed their grievances about the dilapidated property which has been inspected by previous chief executive officer and concerned officers, 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 a threat too many lives of the people residing in the said building, the trustees have expressed in the application that the fate of the aggrieved tenants is in the hand of the Board to decide as negligence in this matter will lead to dire consequences, partly building has collapsed killing a small boy and injuring many. The Trustees in respect to this circumstances have decided in their Trust meeting to redevelopment this "Bazarwala building" as the trustees are benefitted from the property nor can they maintain the property and to advertise in the newspaper calling for offers of developer for redevelopment. The Trustees have advertised in the newspaper "After noon Despatch & Courier" on 11th August'2010, the Trustees have received offers out which M/s. Nina Realtors Pvt.Ltd has offered Rs.1.50 Crores as corpus fund plus 7 flats each admeasuring 300 sq.ft in the building free of cost to the Trust, it has been resolved and accepted in the Trustees meeting letter dated 24.11.2010.The redevelopment is awarded by the trustees to M/s.Nina Realtors pvt.Ltd. The Trust is benefitted by this redevelopment, the trust will pay Rs.11/- lakhs as wakf fund.

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

Resolution No. 8 .

It is hereby resolved that the Chief Executive Officer to issue permission.

Point No. 9

WAKF –I-LILLAH WAKF, DEOLALI / ABDEALLY VALIJI SARIA TRUST , DISTRICT NASIK .

Wakf –i-lillah wakf , Deolali, Dist Nasik, Bohra Trust is registered U/s. 43 of Wakf Act, 1995 and registered with wakf registration no.MSBW/Nasik/132/2009 has put up a proposal of Assignment & development through its application dated 07.06.10, the trust has land bearing Survey. No. 143-A-6 admeasuring 1 Hector 57 gunthas situated at Village Sansari, District Nasik in "as is where basis is". but the **Sole Trustee His Holiness Moulana Syedna Mohammed Burhannuddin (Dharmguru)** has appointed on his behalf C.A Mr. Huzefa Hakimuddin to deal with the trust / Wakf matters have mentioned in the application to develop the said property as the property is encroached by encroachers from many years, so no income is generated from the property,.The Trust property is affected by the "KUL" on it, it is required to be settled or removed and decided for advertising inviting offers for development of trust property through its advocate and the trust have received three offers finally approved out of whom M/s. Sai Associates have offered the highest offer and the trustee through its C.A. Mr.Huzefa. Hakimuddin has awarded the development to M/s Sai Associates and confirming M/s. Sai Associates to develop the trust property. M/s.Sai Associates have offered Rs.2/- Crores as corpus fund against development of trust property. the development of this property will provide corpus fund to the trust and a regular income and the corpus fund further to be reinvested in other property which can provide income to the trust in obtaining the object of Mansha-e-Wakf. This development will benefit the trust institution and wakf.. The Trust to pay Wakf fund of Rs.14/- lakhs, this proposal is in best interest of wakf and trust, hence permission is required in this matter of development from the board.

Abdeally Valiji Saria Trust an trust institute Deemed Registered bearing PTR no.B-837 has put up an proposal before the Board for Assignment & development U/s 32 of the wakf Act'1995 property bearing survey no.164/A & 164/2 situated at village Shingve Bahula Cantonment District Nasik, the trustees are suffering from sick tenants low rent no incomes so the trustees have negotiated with M/s.Sai Estate, Nasik for consideration of Rs.1/- croreas consideration amount, which is in best interest of trust, consideration amount can used for creating revenue for trust institution,.which can provide income to the trust in obtaining the

object of Mansha-e-Wakf.Hence this matter is kept in the Board for discussion and approval.

Resolution No. 9

It is hereby resolved that the Chief Executive Officer to issue permission.

Point No. 9A

RUI MASJID TRUST, POST RUI, TALUKA RAHTA.

This matter was kept in the board meeting on 7-8-2010 vide resolution no. 123/2010 the matter was discussed in the meeting and due to lack of time the approval was pending.

Hence matter is kept in the board for Discussion and approval.

Resolution No.9A

It is resolved that Chief Executive officer to issue permission.

Point No. 10

To Grant permission to issue N.O.C, for various construction work , various wakf institutions, in Maharashtra.

It is submitted that, so many applications were received to this office in respect of construction of Boundary Wall Dargah, Masjid, and repairs and maintenance thereupon, therefore it is necessary to grant the permission of the following wakf Institution for repair and maintenance etc.

Sr. No.	Name of Wakf Institution	Construction, Renewals and Compound wall of Wakf Institution.	Date of application.
1	Anjuman e Faizane Hanfiya Nooriya Jain Road, Nashik.	Community Hall	22/09/2010
2	Jama Masjid Maolvi Ganj Dhule	Wall of Masjid	01/12/2010
3.	Masjid, Kabrastan Survey No. 98-99/1	Tin Shed and repair of Masjid.	28/03/2011
4.	Kabrastan Pathrud Tq. Bhoom	Compound Wall	18/12/2010
5.	Masjid Khaja Ghareeb Nawaz Vivere Dist. Jalgaon.	Repair of Masjid.	13/08/2010
6.	Muslim Jamat Kabrastan Trust Talegaon Dabhade Dist. Pune.	For repair of land Namaz-e-Janaza and construction	04/08/2010
7.	Musalman Panch Masjid Mahsawad Tq. Dist. Jalgaon.	Construction of Masjid	25/08/2009
8.	Arbi Madarsa va Noorani Masjid Pipalner Tq. Sakri Dist. Dhule.	Construction of over the Arbi Madarsa	03/08/2009
9.	Dargah haz. Shaikh Mohammad Sab Wahira Tq.	Community hall	05/02/2011

	Ashti.		
10.	Sunnatul Musleem Jamat Shah jame Masjid kasbwada Kolhapur	Construction of Masjid	24/11/2010
11.	Sufa Imam Bada Rakshasbhawan Tq. Georai Dist. Beed.	Construction of Boundary Wall	15/03/2011
12.	Kabrastan Aziz Ahmed Raoshan Darwaza Aurangabad.	Compound wall	14/09/2010
13.	Kbrastan Barudgar Nala Aurangabad.	Compound wall	04/05/2011
14	Municiple Corporation House no. 828 ¯Öîšü Ö	Community Hall/ Samaj Manidr	17/03/2011
15.	Dargah malik Sab va Kabrastan Dhagpimpri Tq. Prada	Compound wall	01/04/2011
16.	Dargah Risala Bazar Dist. Hingoli	Compound wall	20/04/2011
17	Kazi Kabrastan Degloor Dist. Nanded	Compound wall	19/03/2011
18	Masjid Ashoorkhana va Kabrastan Raoze bagh Degloor Dist. Nanded.	Compound wall	19/03/2011
19	Safurwadi Masjid	Compound wall	16/07/2010
20	Kabrastan in Dahiphal	Compound wall	11/03/2011
21	Nooriya Masjid Jivanpura Achlapur	New construction of Masjid	11/02/2011
22	Masjid va Kabrastan Aosa Dist. Latur	Compound wall	19/04/2010
23	1. Kabrastan Haz. Miskin Sarote peer va Kabrastan pathri 2. Kabrastan Fakrabadb 3. Kabrastan Dargah haz. Shah Ismail Pathri 4. Kabrastan Peer sona pathri	Compound wall	19/03/2010
24	Dargah malik Saheb Chhalla Fatte Sab Sarai Ashoor khana kabrastan, tugaon tq. Pranda	Repairing of sealing	09/08/2010
25	Idgah Osmanabad.	Compound wall	30/09/2010
26	Dargah Hussain Shahwali Nilegaon Tq. Tuljapur	Repair of Dargah	26/10/2010
27	Chhalla Asar Mubarak Hazrat Gulam Ab. Kadar Jilani Gulam Dastagir Pranda Tq.Pranda	Compound wall	01/06/2010

Resolution No. 10

It is hereby resolved that the Chief Executive Officer to negotiate the above matter and issue permission for same.

Any other matter with the permission of Chair person

Point No. 11 :

Completion of terms of Membership Hon'ble Member Janab A.U. Pathan

It is stated that the term of the Hon'ble Member Janab A. U. Pathan Sahab will be expired on 26/07/2011. He is once again elected as a member of the Bar Council of Maharashtra and Goa with the leading margin of votes.

Resolution No. 11

It is unanimously resolved that the name of Mr. A. U. Pathan will be submitted to the Government for the reappointment as a member of the Maharashtra State Board of Wakfs under section 14 (b) (iii).

Hon'ble Tarique Anwar
Presided Chairman
Chairman Maharashtra State Board of Wakfs

Hono'ble A.U. Pathan
Member
Maharashtra State Board of Wakfs

Hon'ble Maulana G.Wastanvi
Member
Maharashtra State Board of Wakfs

Mohtarma Shaheen Kadri
Hon'ble Member
Maharashtra State Board of Wakfs

N.D.PATHAN
Chief Executive Officer,
Maharashtra State Board of Wakfs,
Aurangabad