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sanction of the Charity Commissioner for 50 years w.e.f. 01.01.1963 ending on 31.12.2013. However, Mr. Ramchandra Lokhande and his sons illegally without consent and knowledge of the said Waqf inducted 6 occupants. There is no record about extension of lease in favour of Ramchandra Lokhande or his heirs etc. Therefore, the lease in respect of Final Plot No.280/1 has expired by efflux of time. In view of said encroachment, the said Company through the Mutawalli of the said Waqf has filed Waqf Suit No. 09/2018 in the Waqf Tribunal to remove the unauthorised occupants on the said Final Plot No.280/1. Therefore, the said Company has not filed any application for grant of Commencement Certificate.

41. One Mr. Dingorkar encroached upon a portion of Final Plot No.280 admeasuring 2000 sq.fts (Approx), unauthorizedly and illegally raised structures. The Panvel Municipal Corporation on the complaint of the Waqf had already issued notices for removal of the same. However, despite issuing notice, the Panvel Municipal Corporation is not implementing the same. Therefore, the said Waqf has filed a Writ Petition (St.) No.98280 of 2020 seeking direction inter alia against the Panvel Municipal Corporation to act upon the complaints filed for removing and demolishing the illegal and unauthorised structures and to conclude the proceedings initiated by it in accordance with law.

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42. We gave a Public Notice on 31st January 2021, which has been published in "The Sunday Express" an English Daily publishing from Mumbai and another Public Notice on 31st January 2021 in "Navakaal of Marathi Daily" publishing from Mumbai. Both the newspapers are reputed newspapers having wide circulation in Mumbai, Thane, Navi Mumbai, Raigad and other areas which are adjoining to Mumbai, inviting objections to the title of the said Property.

43. In response to the said Public Notices dated 31st January 2021, we have received following objections from :

(i). Sajid Qureshi of Supriya Times, through his Advocate Shagufa Ansari by a letter dated 01.02.2021, By the said letter dated 01.02.2021, the said Sajid Qureshi has contended that he is against any misappropriation of the Waqf Property. As set out hereinabove, the said Company is developing the said property with the sanction of the Waqf Board as per its Resolution No. 07 of 2011 dated 10.06.2011. Therefore, there is no question of misappropriation of any Waqf property.

(ii). The Legal Advisor of the Waqf Board by a letter dated 05.02.2021 has put the said Company on notice that any alienation, sale, exchange of Waqf property is a cognizable offence. Since the development of the said property was sanctioned by the Waqf



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Board with the unanimous consent of all its members, prior to 1st November 2013 (Waqf Amendment Act No.27 of 2013), there is no question of any illegality or offence in developing the said Property as per the sanction granted by the Waqf Board.

- (iii). Sikandar Suleman Loladia (alias Rajubhai) through his Advocate Zia Ul Mustafa is contending his right, title and interest based on a Power of Attorney dated 27.04.2012 executed in his favour by the Mutawali of the said Waqf. Mr. Loladia surrendered his right, title and interest to Mr. Razak Kapadia, the Director of Fontana Commodeals Pvt. Ltd. by executing a writing dated 24.07.2013. He handed over the original of the said writing dated 24.07.2013 as well as the said Power of Attorney dated 27.04.2012 to said Razak Kapadia. As per the said Consent Terms filed in said Suit (L) No.2644 of 2020, the said Razak Kapadia, the Director of Fontana Commodeal Pvt. Ltd has handed over the originals of the said writing dated 24.07.2013 and the said Power of Attorney dated 27.04.2012 for consideration as mentioned therein. Mr. Loladia further alleged that the NOC dated 25.07.2011 is forged and fabricated without providing any evidence. As stated hereinabove, the Waqf Board, through its then CEO filed affidavit in the Hon'ble High Court at Bombay admitting the

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issuance of said NOC and further production of the file containing the said NOC before the Waqf Tribunal bely the claim of Mr. Loladia. Therefore objections are of no substance, as the same are contrary to the record.

- (iv). Bilal Shafiullah Khan and Shakeel Qureshi through their Advocate's letter dated 12.02.2021 have inter alia contended that in view of the order dated 11.05.2012 passed by the Hon'ble Supreme Court in S.L.P. (Civil) No. 31288 - 31290 of 2011, the Waqf Board is restrained from alienating the Waqf properties. However, the fact of the matter is that the order of the Supreme Court is an interim order having the application prospectively that is w.e.f. 11.05.2012. But the Waqf Board sanctioned the development of the said Property by passing Resolution No. 07 of 2011 dated 10.06.2011 and the CEO of the Waqf Board issued the said NOC dated 25.07.2011 much prior to the order dated 11.05.2012. Therefore, the order dated 11.05.2012 has no application in the instant case. Hence the said Order dated 11.05.2012 does not affect the title of the said Property.

43. The above referred objections received in response to the said Public Notice dated 31.01.2020 have no effect on the title of the

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said Property. The said objections are neither sustainable in the eyes of law nor are they applicable to the development of the said Property sanctioned by the Waqf Board by the said Resolution NO.07 of 2011.

CONCLUSION

- I. Under the facts and circumstances described hereinabove which are based on the documents provided to us by the said Company, on the basis of on-line search, on the basis of Search Report dated 01.02.2021 and Public Notice dated 31.01.2021, we are of the considered opinion that there is no impediment in developing the said Property to the extent of Final Plot No.280.
- II. Therefore, subject to what is stated herein above, the right of the said Company to develop the Final Plot No.280 is marketable and free from any encumbrances. The said Company is authorised to dispose off its share on ownership basis in open market leaving said 30% share of the said Wakf.

This 15th day of February 2021

Place: Mumbai.


(Judicare Law Associates)
Advocates & Consultants

JUDICARE LAW ASSOCIATES
ADVOCATES AND CONSULTANTS
303, Yusuf Building, Flora Fountain Fort,
Mumbai, 400 001

DATED THIS 22ND DAY OF MARCH 2016

SEARCH REPORT

11/22/16

ADOC 11/22/16
11/22/16



Wasim A. Hamid Dhuru Patel

Mob.: 9323410620

B.A., LL.B.

ADVOCATE HIGH COURT

315, Ground Floor, Karimi Manzil, Pada Mohalla, I. K. Patel Road, Panvel-410206.

Ref. No. MAR/II/2016

Date : 22/3/2016

SEARCH REPORT

Dated this 22nd Day of March 2016

To,
Adv. Wasim Dhuru Patel

Subject : Search Report in respect of :

Schedule Survey No. 457, Final Plot No. 280/1, Village - Panvel, Tal. Panvel, Dist- Raigad.

Dear Sir/ Madam,

As per your instructions, I have taken the search of the above-mentioned property at District Panvel (Panvel 1, 2, 3, 4 & 5) Sub-Registrar's offices from years 1987 to 2016 (30 years)

Following is the details of Search taken at District Panvel (Panvel 1, 2, 3, 4 & 5) Sub- Registrar's offices from years 1987 to 2016 (30 years)

<u>Year</u>	<u>Doc Entries/ Remarks</u>
1986 -	1987- TORN
1988- TORN	1989-TORN
1990- TORN	1991- NIL Available Index -II Checked
1992- NIL Available Index -II Checked	1993- NIL Available Index -II Checked

WASIM DHURU PATEL
B.A., LL.B.
ADVOCATE HIGH COURT
77443

1994- NIL Available Index -II Checked	1995- NIL Available Index -II Checked
1996- NIL Available Index -II Checked	1997- NIL Available Index -II Checked
1998- NIL Available Index -II Checked	1999- NIL Available Index -II Checked
2000- NIL Available Index -II Checked	2001- NIL Available Index -II Checked
2002- NIL Available Index -II Checked	2003- NIL Available Index - II Checked
2004- NIL Available Index - II Checked	2005- NIL Available Index - II Checked
2006- NIL Available Index - II Checked	2007- NIL Available Index - II Checked
2008- NIL Available Index - II Checked	2009- NIL Available Index - II Checked
2010- NIL Available Index - II Checked	2011- Entry Available Index -II Checked
2012 - NIL Available Index - II Checked	2013- NIL Available Index - II Checked Index -II not maintain Properly (Send for binding)
2014- Available Index - II Checked it Index -II not maintain Properly (Send for binding)	2015- Available Index - II Checked it Index -II not maintain Properly (Send for binding)
2016- Available Index - II Checked it Index -II not maintain Properly (Send for binding)	

2011 : Development Agreement / Amount of Rs. 0/-

Market Value of Rs. 69844500/-

Particulars : Final Plot No. 280, 280/1, admeasurig area 10276.90
Sq.Mtr.,

TRUSTEES : Magdum Bibi Wakaf Public Trust through Sole Trustee
Hasib Mohd. Yusuf Mulla.

DEVLOPERS : M/s. Ok Estate Developers Pvt. Ltd through Director
Hifzur Rehman Abdul Hamid Ansari

Submission Date : 26.09.2011, Registration Date : 26.09.2011

Registration No. Panvel-1/12358/2011

Stamp Duty : 3492250/-

Registration Fee : 30000/-

Note : Manual Record some page are missing and torn.

(Note:- ***

The computerized records of Sub-Registrar of Assurances not maintained properly also some Index-II (Manually and Computerized) are missing from the records and hence this search report is based upon the Index-II available in the Office subject to torn records/missing records).

Thanking you,

Yours truly,

W A H DHURUPATEL

WASIM A H DHURU PATEL
B.A., LL.B

ADVOCATE HIGH COURT
Mob.: 09221777413

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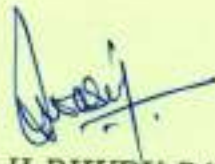
DATED THIS 22nd day of March 2016

Re:- Survey No. 457, Final Plot No.
280/1, Village - Panvel, Tal.
Panvel, Dist- Raigad.

SEARCH REPORT

SEARCH NCTE:

District Panvel (Panvel 1, 2, 3, 4 & 5)
Sub- Registrar's offices from years 1987
to 2016 (30 years)



W A H DHURU PATEL

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