

16.09.2020
srm

**W.P.A. No. 6200 of 2020
CAN 1 of 2020 (Old CAN 4532 of 2020)**

(Via Video Conference)

**Jaynal Abedin Munshi
Vs.
The State of West Bengal & Ors.**

Mr. Rajdeep Bhattacharya, Mr. S.S. Siddiqi	...for the Petitioner.
Mr. Shamim Ahmed	...for the Respondent No.6.
Mr. T.M. Siddiqui, Mr. S. S. Siddiqui	...for the State.

Affidavit of service is taken on record.

The writ petition is taken up for hearing through video conferencing in view of the urgency.

The application being CAN 1 of 2020 (Old No. CAN 4532 of 2020) is disposed of.

The petitioner alleges police inaction.

The petitioner claims to be the Mutwalli of Abdul Bari Munshi Wakf Estate who had tendered resignation with the condition that after his resignation his son should be appointed as Mutwalli. As the same was not accepted by the Board, the petitioner filed a suit being Suit No.31 of 2015 before the Wakf Tribunal, West Bengal against the respondent Nos.6 to 15. The respondent No.6 is the present Mutwalli, who is now looking after the management of the Estate. In the suit,

by an order dated August 28, 2017, the application for temporary injunction filed by the petitioner as the plaintiff, was disposed of and the parties were directed to maintain *status quo* with regard to the possession of the suit property, with a further direction that the nature and character of the suit property would not be changed and no third party interest would be created.

Subsequently, it is stated by the respondent No.6 that the resignation of the petitioner was accepted which the petitioner challenged by filing an original application being O.A. No.24 of 2018. On July 9, 2020, the original application was dismissed. Thereafter the petitioner has filed a civil revisional application being C.O. No.1163 of 2020 before this Court. It is contended on behalf of the respondent No.6 by Mr. Ahmed that the petitioner does not have any *locus standi* to file this writ petition in view of the dismissal of the original application.

The petitioner is aggrieved because the police authorities have not taken any steps pursuant to the complaint dated July 21, 2020.

Mr. Siddiqui, learned Advocate appearing on behalf of State-respondents, submits that on receipt of the complaint, the Inspector-in-Charge, Nodakhali Police Station deputed a Sub-Inspector of the said police station to make an enquiry into the allegations of the petitioner. The said Sub-Inspector visited the Wakf property and met the respondent No.6, who showed the

police authorities the order by which he was appointed as the Mutwalli. The police authorities further state that the allegations in the complaint was with regard to the cutting down of trees and theft of fish from Dag Nos.62, 78, 80, 82 and 99 of Mouza Naskarpur, which were not part of the suit property. It is submitted by the respondents that this was a frivolous complaint before the police and the order of injunction was passed in the suit in respect of totally different schedule of properties. Thus, Mr. Siddiqui submits that upon enquiry it has been revealed that the dispute was civil in nature and between the Mutwallis with regard to their Mutwalliship. The police authorities did not have any role in the matter.

Records reveal that such submission is correct.

Under such circumstances, there is no reason to entertain the writ petition. However, the police authorities will maintain peace and tranquility in the area and ensure protection of the Wakf property.

This Court has not decided the merits of the claims and counterclaims of the parties. The parties are at liberty to approach the appropriate forum for further reliefs.

This writ petition is disposed of.

There will be however no order as to costs.

Urgent certified website copies of this order, if applied for, be delivered to the parties, upon compliance of all necessary formalities.

(Shampa Sarkar, J.)