

AD. 33.
February 8, 2021.
MNS.

W. P. A. 181 of 2021
(**Via video conference**)

Janab Abdul Hamid Mallick
Vs.
The State of West Bengal and others

Mr. Arun Naskar

... for the petitioner.

Mr. Ansar Mandal,
Ms. Sougata Mitra

...for the respondent-authorities.

Affidavit-of-service filed in Court today be
taken on record.

The petitioner alleges that the petitioner's father was the mutawalli of a private waqf property and, upon a suit being filed by the petitioner's father (since deceased), the Civil Judge(Junior Division), Second Court at Chinsurah, decreed the same against the defendants therein (the present private respondents), granting a decree of declaration that the plaintiff (petitioner's father) was a legal mutawalli appointed by the proforma defendant no. 7 therein, a declaration that the defendant nos. 1 to 6 (present private respondents) had got no right, title, interest and possession over the

suit property, as well as permanent injunction restraining the defendant nos. 1 to 6 from disturbing the peaceful possession of the plaintiff in respect of the suit property. Upon the demise of the petitioner's father, the petitioner, it is submitted, applied for being appointed as a mutawalli of the private waqf estate instead and place of his father, which is still pending before the Board of Waqf.

It is alleged that the private respondents have been disturbing the peaceful possession of the petitioner in respect of the waqf property in several manners, for which complaints were lodged with the police, but to no effect.

Learned counsel appearing for the respondent-authorities submits that no complaint was, in fact, lodged with the police. However, counsel for the respondent-authorities files a report (the same is kept on record), which indicates that there has not been any report of breach in peace and tranquility of the concerned locality, for which the police did not intervene.

It is seen from the relevant annexures to the writ petition that there is no conclusive proof as to any of the complaints having been actually served on the police authorities. Even the names

of the addressees of such purported notices have been inserted by hand without any signature in the copies thereof which have been annexed to the original writ petition.

In such context, there appears to be substance in the contention of the respondent-authorities that the petitioner might not have lodged any complaint with the police authorities at all.

Be that as it may, since the petitioner has approached the writ court seeking remedy in the light of alleged interference with the petitioner's legal possession of the waqf property-in-question by the private respondents and since the petitioner is armed with a civil court's decree passed in favour of the petitioner's father, justice will be sub-served if the police authorities are directed to take appropriate steps on the basis of the present writ petition.

Accordingly, W. P. A. 181 of 2021 is disposed of by directing the respondent no. 3 to treat the present writ petition as a complaint lodged by the petitioner with the police authorities regarding alleged unlawful activities by the private respondents and to take appropriate steps in that

regard, for redressal of the said complaints of the petitioner in accordance with law, at the earliest.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)