

**RIZWAN RAHMAN VS. ABU RASOQUE MD.
JAMILUR RAHMAN & ORS.**

**Mr. Tarique Quasmuddin
Mr. Abbas Ibrahim Khan
..for the petitioner**

This revisional application has been filed challenging an order dated December 17, 2020 passed by the learned Chairman, Waqf Tribunal, West Bengal in Suit No.14 of 2020.

The petitioner is aggrieved by non-consideration of an order for ad-interim order of injunction in the facts of the case pleaded in the application for injunction.

According to the petitioner, the bone of contention is with regard to the premises no. 66, Ellliot Road, Kolkata 700 016, which the petitioner claims to be a wakf property of Lutfur Rahman and others, Waqf Estate. It is submitted that as construction is going on, unless a preventive order is passed, third party interests may be created which will ultimately result in multiplicity of proceeding, in the event the suit succeeds.

I appreciate the urgency pleaded in the application but, as the learned Tribunal has already fixed the date of hearing of the application for injunction on

January 29, 2021, this Court refrains from passing any ad-interim order but directs the learned Tribunal to hear out the application for temporary injunction at least on the point of an ad-interim order within one week from the next date fixed.

The opposite parties have already been directed to file their written objection in the meantime. As such, no further order is necessary with regard to filing of written objection by the opposite parties.

This Court has not gone into the merits of the claim of the petitioner. The learned Tribunal will decide the issue in accordance with law within the aforementioned period on the facts of the case as to whether a preventive ad-interim order in favour of the plaintiff would be warranted.

I do not find any illegality or irregularity in the order impugned.

This revisional application is disposed of.

There will be however no order as to costs.

Urgent photostat certified copy of this order be given to the parties on priority basis, if the same is applied for.

(Shampa Sarkar,J.)

