

16.08.2021.
Item No. 53.
Court No.13
ap

**W.P.A. No. 6533 of 2021
(Through Video Conference)**

**Golam Masud & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Atarup Banerjee,
Md. Abdus Salam.

..For the petitioners.

Mr. Gazi Faruq Hossain.

...For the respondent nos.1 to 5.

Mr. Imtiaz Ahmed,
Sk. Saidullah.

...For the respondent nos.2 & 3.

Mr. Lalit Mohan Mahata,
Mr. Kapil Guha.

...For the State.

Mr. Avik Kumar Das,
Mr. Dilip Kumar Sadhu.

..For the private respondent.

Mr. Sumit Ray.

...For the WBSEDCL.

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

The writ petitioners are admittedly joint
Mutawallis of a Wakf property in respect of 12.53
acres of land in several plots under Mouza –
Sahajadpur, J.L. No. 053 under Police Station –
Monteswar, District – Purba Burdwan.

They complain that the private respondents are
obstructing them in the process of auctioning and
selling of fish out of the pond of the Wakf property.

It also appears that the private respondent nos.6
and 9 have been detained in custody by the police.

Counsel for the private respondents submits that his clients have not, in any way, interfered with the responsibilities of the petitioners. However, irregularities in the appointment of the petitioners are raised by the Counsel for the private respondents. Counsel for the Wakf Board denies such allegations.

The objections of the private respondents are opposed by the Wakf Board being the respondent nos.2 and 3.

This Court is of the view that any challenge to the appointment of the writ petitioners or irregularities in such appointment must be raised before the appropriate authority under the Wakf Act, 1995.

This Court is of the view that the private respondents are in fact interfering with the possession of the petitioners and administration of the Wakf estate.

In that view of the matter, the Officer-in-charge, Monteswar Police Station shall render all necessary assistance to the writ petitioners to ensure that they are not in any way disturbed in the process of management of the said Wakf property.

The private respondents shall not be allowed to enter the Wakf property or in any way interfere with the administration thereof or the catching of fish and roaring thereof by the petitioners.

With the aforesaid directions, the instant writ petition shall stand disposed of.

The Superintendent of Police, Purba Burdwan shall ensure compliance of this order to the Officer-in-charge, Monteswar Police Station.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)