

05.10.2021
Ct. No.13
Sl. No.42
akd

W.P.A. 12447 of 2021 [via video conference]

[Mainul Islam Mollah @ Moinul Islam Mollah -Vs- The State of West Bengal & Ors.]

Mrs. Juin Dutta Chakraborty
... .. for the petitioner

Sk. Md. Galib
... .. for the Board of Auqaf

Mr. Sirsanya Bandyopadhyay
Mr. Arka Kumar Nag
... .. for the State

The writ petitioner claims to be a mutawalli of a Auqaf property called Akbar Molla Auqaf Estate EC No. 2641 located at Vill. & P.O. Bargarchumuk under Shyampur Police Station, Dist.: Howrah.

It is submitted by the petitioner that the private respondents have not only encroached in the Auqaf property but have also made permanent construction thereat. The Chief Executive Officer of the Auqaf Board has also addressed the Officer-in-charge, Shyampur Police Station making the same allegation against the private respondents on 27th July, 2021. The said letter was addressed by the Board on the complaint of the writ petitioner.

Learned counsel appearing for the State submits that there is a mass petition as regards omission and commission by the writ petitioner in administration of the Auqaf estate. It is also submitted that the petitioner under the garb of the proceedings, is out to usurp and/or take over two plots of land. A mass petition has also been received against the writ petitioner.

This Court is primarily of the view that the issues between the writ petitioner and the private respondents must and should be dealt with either by the Auqaf board or by the Tribunal constituted under the Auqaf Act, 1995.

Insofar as the peace and tranquility in the area is concerned, learned counsel for the State submits that proceedings under Section 107 have been taken out and assurances have been obtained from both sides that they will maintain peace and tranquility in the area and not create any breach of peace thereof.

In that view of the matter, this Court directs the Officer-in-charge, Shyampur Police Station to keep a vigil of the property and ensure that there is no breach of peace in the area.

The petitioner and the private respondents can thrash out their civil disputes, inter alia, in the fora indicated hereinabove.

With the aforesaid observations, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)