

26.08.2021
Ct. No.13
Sl. No.115
akd

W.P.A. 7478 of 2020 [via video conference]
CAN 1 of 2020

[Moksud Ali Molla-Vs- State of West Bengal & Ors.]

Mr. Rafikul Islam Sardar
Mr. Wasim Raj Sardar
... .. for the petitioner

Mr. Ayan Banerjee
Ms. Debjani Sengupta
... for respondent nos.4 & 5

The writ petitioner complains that the private respondents have occupied a portion of the Auqaf property under the Nadial Jama Masjid Auqaf Board. Repeated complaints to the Nadial Police Station and the Deputy Commissioner of Police have not yielded results.

Learned counsel for the private respondents submits that the Masjid itself had sold a portion of the property to his clients and the construction thereat was effected after obtaining the sanction plan.

Challenging the construction of the private respondents, WPA 17954 of 2019 was filed which was dismissed for default on 1st March, 2021. An application seeking restoration is stated to be pending.

Insofar as the title of the property claimed by the private respondents is concerned, the remedy of the petitioner lies before the Auqaf Tribunal. The police cannot decide on matters relating to validity of title or documents.

With the aforesaid observations, the writ petition is disposed of.

In view of disposal of the writ petition, the connected application being CAN 1 of 2020 is also 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.)