

16.08.2021.
Item No. 50.
Court No.13
ap

**W.P.A. No. 10810 of 2020
(Through Video Conference)**

**Abdul Rejak & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Partha Sarathi Bhattacharya,
Mr. Lutful Hasee,
Mr. Golam Karim Chowdhury.
..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. Sirsanya Bandopadhyay,
Mr. Subhendu Sengupta.
...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 situated at EC No. 791
at Plot Nos. 1382 and 1387, Mouza – Sajnoor under
Nanoor Police Station, Birbhum.

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.

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, Nanoor 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 fish and roasting thereof by the petitioners.

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

The Superintendent of Police, Birbhum shall ensure compliance of this order to the Officer-in-charge, Nanoor 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.*)