

04.01.2021
Sl. No.23
srm

C.O. No. 1649 of 2020

**Sk. Shumsur Rahaman @ Sk. Samsur Rahaman
Vs.
The Board of Wakf, West Bengal & Ors.**

Mr. Samim Ahmed

...for the Petitioner.

By this revisional application, one of the plaintiffs claiming to be the Mutwali of the Wakf property has challenged the order dated December 9, 2020 passed in Suit No.19 of 2020 by the learned West Bengal Wakf Tribunal, Kolkata. By the order impugned dated December 9, 2020, the learned Tribunal has refused to pass ad interim injunction and directed the plaintiffs to supply all documents to the defendants before hearing of the injunction application.

Mr. Ahmed submits that the plaint and application for injunction have been supplied to other side. Mr. Ahmed is aggrieved by refusal of a prayer for ad interim injunction on the ground that by taking advantage of such refusal the defendants have forced the Imam of the Mosque to resign and accept Rs.50,000/- in lieu of such resignation. Mr. Ahmed further submits that an injunction order should be passed by this Court directing the defendants to abide by the resolution of the Wakf Board dated March 18, 2018.

I have considered the order impugned and the records. The order does not call for interference. In my view, justice would be sub-served if the learned Tribunal is directed to consider the prayer for ad interim injunction made by the petitioner/plaintiff on the next date of hearing fixed by the learned Tribunal and dispose of the application for injunction within a month thereafter.

It is made clear that this Court has not gone into the merits of the case. Documents, as directed by the Tribunal, if not handed over, should be handed over within 48 hours from date. The opposite parties shall be at liberty to file their objection to the said application for injunction within a week from receiving the copy of application and an advance copy of the same be handed over to Mr. Ahmed's client/plaintiff. The learned Court below shall dispose of the matter without being influenced by any observation made hereinabove as this Court has not gone into the merits of the claims of the parties. It goes without saying that the prayer for ad interim injunction shall be considered upon hearing both the parties on the next date fixed.

This revisional application is, thus, disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)