

OD-4

WPO/1194/2021

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SAMMIWARA BEGUM

-Versus-

THE CHAIRMAN, BOARD OF WAKF (AUQAF)
WEST BENGAL AND ORS.

Appearance:

Mr. Sanat Kumar Biswas, Adv.
Mr. Imtiaz Belal, Adv.
...for the applicant.

Sk. Md. Galib, Adv.
...for the respondent no.1.
Mr. Saptarshi Kr. Mal, Adv.
Mr. Iftekar Munshi, Adv.
...for the respondent no.3.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 22nd December, 2021.

The Court : The writ petitioner is aggrieved by the Resolutions of the Wakf Board dated 28th October, 2021 and 9th November, 2021. Learned counsel for the petitioner argues that the Board sought to revive an order of the Wakf Tribunal that was passed in the year 2012 without mentioning the same. It is also argued that the order of the tribunal had lost efficacy and did not confer any authority on the Board to investigate afresh into the mutwalliship of the writ petitioner.

Counsel for the Board objects to the maintainability of the writ petition.

Having considered the rival contentions of the parties, this Court is of the unequivocal view that the remedy of the petitioner, against the order of the Board, is before the Wakf Tribunal under Section 83(2) of the Wakf Act, 1985. The petitioner has not been able to demonstrate any violation of the natural justice or violation of statutory procedure calling for interference by this Court under Article 226 of the Constitution of India.

In those circumstances, WPO/1194/2021 stands dismissed reserving liberty to the petitioner to approach the Wakf Tribunal as above.

There will be no order as to costs.

(RAJASEKHAR MANTHA, J.)