

OD-7

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1502/2021

ANIS FATIMA BEGUM AND ANR.
VS
STATE OF WEST BENGAL AND ORS..

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 23rd December, 2021.

Appearance:
Mr. Nilay Sengupta, Adv.
Mr. Sujit Banerjee, Adv.
...for the petitioners.

Sk. Md Galib, Adv.
...for the respondent no.2 and 3

Mr. T. M. Siddiqui, Adv.
Mr. Debashis Ghosh, Adv.
...for the State.

The Court : The petitioners aggrieved by the fact that applications dated 4th December, 2020 and 17th March, 2021 he, in view of old age, had nominated, by documents stated, the second petitioner, to act as the Mutawalli in respect of the Wakf Estate.

There is inaction on the part of the Board. A direction is sought to decide the application as expeditiously as possible. Counsel for the said Wakf Estate submits that the remedy in the petition lies before the Wakf Tribunal under Section 13(2) of the Wakf Act, 1995. This Court notwithstanding such availability of alternative remedy, is inclined to entertain the instant application since innocuous prayers are made.

It would also be extremely onerous for the petitioner to move the Wakf Tribunal at this stage.

In the above facts and circumstances of the case, this Court directs the Wakf Board to dispose of the petitioner's request for appointment of the petitioner no.2 as Mutawalli in the said Wakf Estate within a period of two months from the date of communication of copy of this order.

Needless to mention that the applicable rules and laws shall be strictly followed by the Board.

However, this order shall not be cited as a precedent.

In view of the above, WPO No.1502 of 2021 is disposed of.

(RAJASEKHAR MANTHA , J.)