

10.05.2022.
Court No.13
Item No. 49
pk

W.P.A. No. 219 of 2022

**Ansar Ali Kazi and another
Versus
State of West Bengal & Ors.**

Mr. N. Chatterjee,
Mr. Anjan Banerjee

...For the petitioners.

Ms. Sudipa Ray,
Ms. Rama Halder

...For the State.

Mr. Asif Sohail Tarafdar

... for the respondent nos. 4 to 14.

The Inspector-in-Charge, Duttapukur Police Station has filed a report dated 5th May, 2022, which is taken on record. It appears from the report and the above mentioned writ petition that the private respondents, since after cessation of the petitioners' mutuwaliship in respect of a mosque, had asked for accounts and refund of money.

The police have investigated the allegations and have found no evidence of extortion. It appears to this Court that the private respondents are only seeking accounts and sums of money which according to the private respondents was in the custody of the petitioners. The petitioners deny the same.

This Court is of the view that the dispute between the petitioners and the private respondents is purely civil in nature with regard to control and management of a mosque.

The remedy of the private parties is essentially before the Auqaf Board and the Tribunal constituted under the Waqf Act, 1995. The police have absolutely no role to play in this matter.

It also appears from the report of the police that the petitioners have restored possession of their property and residence.

The writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)