

06.07.2022
Sl. No.297(ML)
srm

W.P.A. No. 4752 of 2021
Pirottar Gazi Saheb Waqf Estate
Versus
The State of West Bengal & Ors.

Mr. Gazi Faruque Hossain,
Ms. Priyanka Mandal

...for the Petitioner.

Mrs. Sipra Majumdar,
Ms. Prativa Ghatak

...for the State-respondents.

Mr. Sumit Kumar Ray,
Mr. Mnushi Ashiq Elahi

...for the Respondent No.6.

The complaint of the petitioner and the prayer for police assistance to facilitate the cultivation over a wakf property, does not survive. The petitioner has ceased to be a member of the Committee Mutwalli. The petitioner was appointed as a member sometime in 2016 for a period of five years. Such term has expired and there is no indication before the Court that the term has either been extended or the petitioner has been re-appointed. The petitioner prays that the police authorities be directed to render assistance so that the Committee Mutwalli is able to cultivate.

The respondent No.6 is an erstwhile Mutwali whose appointment was cancelled by the learned Waqf Tribunal.

It is submitted that the decision to extend the term of the petitioner could not be taken as there was no functional Board. The election of the Board is scheduled to be held sometime in the middle of July, 2022.

The police report indicates that there was an altercation between the parties and prosecution under Section 107 of the Code of Criminal Procedure has been submitted. The police report is taken on record.

Under such circumstances, the writ petition is disposed of without any orders. The parties are directed to approach the newly constituted Board to resolve the dispute with regard to cultivation. It is not for the police authorities to take a decision which party should be allowed to cultivate, especially because the life of the Committee Mutwalli has expired.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)