

06.04.2022.
Court No.13
Item No. 39
ap

W.P.A. No. 3914 of 2022

**Tomanash Choudhury
Versus
The State of West Bengal & Ors.**

Mr. Soumik Ganguly,
Mr. Avik Kumar Das,
Mr. Dilip Kumar Sadhu.

...For the petitioner.

Mr. Sirsanya Bandyopadhyay,
Mr. Arka Kumar Nag.

...For the State.

Mr. Kalyan Kumar Chakraborty,
Mr. Kashinath Bhattacharya,
Ms. Anjana Meheboob.

...For the respondent no.9.

Mr. Satryajit Sinha Roy,
Mr. Supratik Banerjee,
Mr. Ashok Halder.

...For the respondent nos.7, 8 & 10.

Mr. Shailendra Kumar Mishra.

...For the respondent no.11.

Ms. Suchishmita Ghosh.

...For the RBI.

Affidavit-of-service filed in Court today be taken
on record.

The Officer-in-charge, Tamna Police Station has
filed a report dated 4th April, 2022 in the form of
instructions addressed to the learned Government
Pleader, High Court, Calcutta. The same is taken on
record.

It appears from the said report that there are
disputes and differences between the petitioner and
the private respondents with regard to control and
management of Assembly of God Church. It further
appears from the said report that bonds for good

behaviour have been obtained from the petitioner as also the private respondents.

The parties shall, therefore, maintain law and order and peace and thrash out any disputes and differences before appropriate Civil Forum.

The Reserve Bank of India is represented.

Counsel for the Reserve Bank of India submits that the Assembly of God Church has not obtained any permission from the Reserve Bank of India to transfer any property to any third party in terms of the provisions of Rule 30 of the Foreign Exchange Management (Borrowing or Lending in Foreign Exchange) Regulations, 2000.

In that view of the matter, considering the report of the Tamna Police Station, that no construction is going on on the site in question, it is ordered that the Assembly of God Church shall not transfer any property without specific permission in writing of the Reserve Bank of India. Any transfer already made shall be void. Any instrument or document to that effect shall be of no consequence.

The Officer-in-charge, Tamna Police Station shall ensure that there is no breach of peace in the area.

The religious practices as prevalent prior to the alleged transfer of property to the private respondents shall continue.

With the aforesaid observations, the instant writ petition shall stand 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.)