

18.7.2022
Court No. 19
Item no.439
sn

WPA No.8100 of 2022

Madrasa Manzila Mozaddiya
Khayriya Aziziya Alimia & Ors.

Vs.

The State of West Bengal & ors.

Mr. Tanoy Chakrabortyfor the petitioners

Mr. Washef Ali Molla ..for the respdts.11&12

Mr. Santanu Kr.Mitra

Mr.Subhabrata Das ...for the State

This Court is of the view that the reliefs as prayed for by the petitioners, cannot be granted in this writ petition.

The allegation of illegal transfer of a portion of the land, which had been earlier donated to the writ petitioner no.1, has to be decided by the Civil Court. According to the petitioner, the donor and the donee were one and the same person and the transfer in favour of the respondent no.12 could not be sustained in law.

The petitioners allege that the respondent nos. 11&12 had been trying to forcefully occupy the land in question. That the day to day activity of the Madrasah was suffering. The people were finding it difficult to worship in the mosque, situated on same plot of land.

The respondent nos. 11&12 submit that both the Madrasahs and the Mosque were operating from the same premises. The relationship between the petitioner no.1, the respondent no.11 (donor of the land) and the Secretary of the petitioner no.1, was amiable and there were no conflicts at all.

The respondent nos. 11&12 have challenged the locus of the petitioners to file the writ petition on behalf of the petitioner no.1. It is alleged that the resolution on the basis of which, the writ petition has been filed by the petitioner no.2 was fabricated and concocted.

Be that as it may, this Court is of the view that such disputed question of facts ,cannot be decided in this proceeding.

The police authorities are not in a position to decide on the correctness of the allegations. It also appears that a tender had been floated for construction of additional class rooms within the portion occupied by the respondent no.12.

However, the police authorities are directed to keep a vigil in an around the area and to ensure that breach of peace does not take place and no untoward incident occurs. The safety and security of the students and the teachers of the two Madrasahs must be the primary concern.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)