

05.07.2022
Ct. 5
D/L 31
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WPA 9504 of 2022

Nazrul Mondal

-Vs-

The State of West Bengal & Ors.

Mr. Iftekar Munshi,

... for the petitioner

Mr. Amal Kr. Sen,
Ms. Ashima Das (Sil)

... for the State

Sk. Md. Galib,
Mr. Abu Siddique Mallik,

... for the Board of Auqaf

The grievance of the petitioner is against a notice dated 11th May, 2022 of Board of Auqaf, West Bengal, by which the paddy which has been allegedly illegally cultivated and is almost ready for harvesting is to be done by the BDO of the locality with the help of the police authorities. The communication also states that the proceeds of the paddy and the amount collected is to be deposited in the account of Auqaf Board.

It appears from the submission of learned counsel appearing for the petitioner that the paddy in the land, which belongs to the petitioner, has already been cultivated and the proceeds of the cultivation is presently in the possession of the petitioner. There is no

record in the writ petition to show that the police or any of the law enforcing agencies had prevented the petitioner from either harvesting the land or depriving the petitioner from proceeds of the harvesting. There is a bare statement in the writ petition that the police authorities interfered with the petitioner's right, without any evidence for such. Counsel also submits that the petitioner may face interference in the upcoming season for harvesting.

The above submission is in the nature of speculation for the future, which may or may not be proved to be correct. In any event, Section 6 of the Waqf Act, 1995 provides for aggrieved persons to approach the Tribunal for a decision on any disputed question with regard to property. In the present case, the petitioner says that the land belongs to the petitioner while the Auqaf Board contends otherwise.

Hence this matter clearly falls within the Section 6 of the Waqf Act, 1995.

In view of the above reasons, WPA 9504 of 2022 is dismissed without any order as to costs.

(Moushumi Bhattacharya, J.)