

S/L 19
04.01.2022
Court. No. 19
GB

WPA 16658 of 2021

Rayees Alam
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

*Mr. Tanmoy Mukherjee,
Mr. Iftekar Munshi,
Mr. Souvik Das,
Mr. Rudranil Das.*

...for the Petitioner.

*Mr. Alope Kumar Ghosh,
Ms. Tanushree Dasgupta.*

...for the K.M.C.

*Mr. Tapas Adhikari,
Mr. Bibekananda Tripathi.*

...for the State.

Sk. Md. Galib.

...for the Board of Auqaf.

The petitioner claims to be the Mutawalli of Zohra Begum Waqf Estate. According to the petitioner, Premises No.32C, Somnath Lahiri Sarani, Kolkata-700053 is a waqf property enrolled with the Board of Wakf, bearing Enrolment No.1365.

According to the petitioner, a decision was taken to develop the property and an application was made before the Kolkata Municipal Corporation for approval of the building plan. 'No objection', as per law was required to be taken by the petitioner from the Board. The Kolkata Municipal Corporation required some answers from the Board of Wakf and as such, raised some queries. Such queries appear at page-39 of the writ petition. Amongst the documents, which

were called for by the Kolkata Municipal Corporation, one of such document was a 'No Objection' from the Wakf Board.

It is submitted that the said 'no objection' has not yet been supplied by the Wakf Board, although an application was filed before the Board sometime in 2018.

Without going into the rival contentions of the parties, this Court grants liberty to the petitioner to apply before the Wakf Board for a 'no objection' as required under the law for promotion/development of the Wakf property. If such application is made, the same shall be considered and disposed of in accordance with law. Accordingly, at the time of disposal of the application, the Wakf Board shall give a hearing to the petitioner, who is the Mutwalli of the Estate.

A reasoned order shall be passed and communicated to the petitioner. If there are any reasons for non grant of the 'no objection', such reasons shall be disclosed in the order itself.

The entire exercise shall be completed within a period of two months from date of receipt of the application of the petitioner.

Accordingly, the writ petition is disposed of.

However, there will be 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.)