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WPO 2162 of 2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SAFIULLA WAKF ESTATE AND ANR.
VERSUS
THE WEST BENGAL BOARD OF AUQAF AND ANR.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 12th May, 2022.

APPEARANCE:

Mr. Ranajit Chatterjee, Adv.

Mr. Aniruddha Mitra, Adv.

... for the petitioners.

Mr. Sk. Md. Galib, Adv.

Mr. Abu Siddiqui Mallik, Adv.

Mr. P. Sinha, Adv.

...for the respondent nos. 1,2.

Mr. S. S. Arefin, Adv.

... for the Wakf Board.

The Court:- The petitioner is aggrieved by the demands dated 7th February, 2020, 7th October, 2020 and 10th August, 2021, raised by the Wakf Board under Section 72 of the Wakf Act of 1995.

It is submitted by Counsel for the petitioner that the above letters of demand have been raised without providing for any assessment order, or complying with the principles of natural justice by providing a hearing.

Counsel for the petitioner submits that the writ petition would therefore be maintainable, notwithstanding alternative remedy before the Board under the provision of Section 72(7), since there is violation of principles of natural justice.

This Court is of the view, that the petitioner has an effective and efficacious alternative remedy provided under the statute before the Wakf Board

itself. The violation of the principles of natural justice are not so grave as to deprive any basic rights to the writ petitioner. Admittedly, the petitioner is the current Mutawali, in respect of the said property.

In that view of the matter, WPO/2162/2022 is disposed of, reserving liberty to the petitioner to approach the Wakf Board under the provisions of Section 72(7) of the said Act of 1995. If the petitioner approaches the Board within a period of 30 days from date, the Board shall proceed to consider the petitioner's stand or appeal, in accordance with law, and the Rules applicable therefor.

(RAJASEKHAR MANTHA, J.)