

18.04.2023
Item No.16
gd/ssd

WPA(P)/303/2022
ALAMGIR SK. AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Jayanta Samanta,
Md. Sarwar Jahan
..for the Petitioners.

Md. T.M. Siddiqui,
Mr. Sayak Chakraborty
..for the State.

Md. Manuwar Ali,
Ms. Moumita Karmakar
..for the Respondent No.8.

Sk. Md. Galib,
Ms. Tanwishree Mukherjee
..for the Board of Auqaf.

1. By this public interest litigation the petitioners seek for a direction upon the respondents to take action on their representation dated 20th June, 2022.

2. As rightly pointed out by the learned Advocate for the Auqaf Board that the relief sought for in the writ petition is to initiate appropriate criminal proceedings against the private respondent and also to dissolve the Mutawalli Committee on the alleged ground that it has been illegally formed.

3. If that be so, the relief sought for by the writ petitioners cannot be granted in a petition under Article 226 of the Constitution of India and if at all the

petitioners seek for any such remedy, they should avail the remedies under the Provisions of Wakf Act, 1995.

4. It is made clear that this Court has not gone into the allegations or averments and it is open to the writ petitioners to work out their remedy in accordance with law.

5. With the above observation, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)