

26.9.2023

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WPA 14862 of 2023

Sayyad Abdur Rahman Barkati
Vs
The Board of Wakf, West Bengal & Ors.

Mr. Mahamudul Hassan
... For the Petitioner.
Md. Salahuddin,
Md. Ahsanuzzaman,
Mr. Raziuddin
... For the Wakf Board.

Heard learned Advocates appearing for the parties.

This writ petition has been filed by the petitioner being aggrieved by the alleged inaction on the part of the respondents/Wakf Board in considering his application for recording his name as Mutwalli in respect of Wakf estate in question.

Learned Advocate appearing for the Wakf Board opposes this writ petition by contending that the writ petition is not maintainable and the appropriate forum for redressal of his grievance is the Wakf Tribunal by relying on a judgment of the Hon'ble Supreme Court in the case of Board of Wakf, West Bengal vs. Anis Fatma Begum & Anr. reported in (2010) 14 SCC 588 and Section 83 of the Waqaf Act, 1995.

Considering the aforesaid provision of law and judgment of the Hon'ble Supreme Court I am of the considered view that this writ petition is not maintainable against the alleged grievance and the

appropriate authority for redressal of such grievance is the Wakf Tribunal which the petitioner may avail in accordance with law and shall be at liberty to take all the points raised in this writ petition before the said Tribunal.

With this observation and direction this writ petition being WPA 14862 of 2023, is disposed of on the ground of availability of alternative remedy.

(Md. Nizamuddin, J.)