

30.01.2023.
Court No.13
Item No. 25
ap

W.P.A. No. 26047 of 2022
Abuzar Md. Faizur Rahman
Versus
The State of West Bengal & Ors.

Mr. Mrityunjay Saha,
Mr. Mirza Kamruddin.

...For the petitioner.

Mr. Tarapada Das,
Mr. Jonaki Khan.

...For the private respondents.

Supplementary affidavit and affidavit-of-service
filed in Court today are taken on record.

The petitioner complains of alleged inaction by
Patashpur Police Station.

The Officer-in-charge, Patashpur Police Station
has filed a report dated 1st December, 2022. The same
is taken on record.

The report indicates that there are several
proceedings between the petitioner and the private
respondents with regard to control of Peer Saheb
Hazrat Moulana Abu Tahir Muhammad Waliullah
Alquadri (RA).

The report further indicates that over the control
of the properties, Patashpur Police Station has
registered FIRs being No. 85 of 2008 dated 16th
November, 2008, No.86 of 2008 dated 16th November,
2008, No. 87 of 2008 dated 16th November, 2008, No.
101 of 2009 dated 8th November, 2009, No. 196 of
2014 dated 17th September, 2014, No. 197 of 2014

dated 18th September, 2014 and No. 275 of 2015 dated 1st September, 2015. Most of the cases have resulted in charge-sheets.

The parties have also filed several writ petitions before this Court. Police in apprehension of law and order problems declined the observance of URS festival to any party from the year 2016 to 2021. The festival was held in the year 2022 without any problems. The lock of the Mazar was opened by the Sub-Divisional Officer, Egra, Purba Medinipur on 25th November, 2022. Service Provider Committee was also formed for maintaining the Mazer between 9:00 A.M. to 9:00 P.M. everyday.

The petitioner claims to have obtained a decree in Title Suit No. 5 of 2006 where he is stated to have filed a counterclaim. Any rights under such decree may be enforced through the order of execution under Order XXI of the Code of Civil Procedure, 1908.

The Executing Court shall call for a police report and ascertain the current state of affairs before passing any order.

The Officer-in-charge, Patashpur Police Station shall ensure that there is absolutely no breach of peace in the area.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)