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WPA 10112 of 2024

Titagarh Jamait Ahlee Hadees
-vs-
The State of West Bengal & ors.

Mr. Md. Ashraf

....for the petitioner

Mr. Dipanjan Datta

..for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

It does not appear that notice could be served upon the private respondents.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a registered trust who claims to run the mosque as also perform other welfare activities within the premises situated at 105/GGC Road, Ward No. 18 of the Barrackpore Municipality. A Civil Court in Title Suit No. 15 of 2022 had permitted the trustees and the family members to enjoy the mosque and perform their welfare activities. But, the private respondents have been trying to prevent the petitioner from doing this and violating the order of the Civil Court. The petitioner had earlier approached this Court by filing a Writ Petition being WPA No. 12070 of 2022. This Court was pleased to direct the trustees, members and the family members to exercise such

right in terms of the Civil Court's order. In spite of this, the private respondents are not allowing the petitioner to do so. When the order was communicated to the police authorities, they sent a report that only a list of members have been given and not their identification documents.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. As regards disturbances committed, four separate FIRs were registered in the year 2022. Pursuant to a direction passed by this Court in WPA 12070 of 2022, intimation was given to the petitioner to provide particulars of family members, trustees and their respective identity documents. Although the list of the names has been provided, but respective Aadhar Card or Epic Card had not been made available.

It appears that by an order dated 19.07.2022 passed by a Co-ordinate Bench of this Court in WPA 12070 of 2022, this Court was pleased to record as under:

“Under such circumstances and upon taking into consideration the rival contentions of the parties, this Court is of the view that the masjid may be used by the trustees, members of the trust and their family members. The police authorities shall ensure that the said order of the learned Civil Court is complied with and implemented.

As it is already recorded in the order of the Hon'ble Division Bench that the masjid is open, no further order need be passed in the writ petition with regard to the allegation of

fixation of the padlock.

The respondent nos. 5 to 8 are restrained from disturbing the peaceful possession of the plaintiffs in the suit, their family members and other trustees. However, if there is a law and order problem the police authorities are at liberty to take steps.

The defendant nos. 5 to 18 are at liberty to proceed in accordance with law, in the title suit with their grievances. The other contentions of the petitioner, shall be decided in the public interest litigation.”

This Court had taken into consideration the Civil Court's order and passed appropriate directions.

At this stage, it would be sufficient if all the parties abide by the above referred directions passed by this Court earlier.

Incidentally, this Court never asked the petitioner to provide the identity documents of their relatives and members. If the same are subsequently required, the police authorities might insist upon the same at a later stage. As the EID celebrations are nearing, there shall be no requirement to insist upon such identity documents at this stage. The police shall act upon the list of names provided by the petitioner for the present.

No further order need be passed in this regard.

The police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to

it that no order of a Civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)