

09.09.2024
Sl. No.55(ML)
srm

W.P.A. No. 14844 of 2024
Syed Asad Ali
Versus
The State of West Bengal & Ors.

Mr. Khwaja A. Rahman
...for the Petitioner.

Sk. Md. Galib,
Mr. Abu Siddique Mallick
...for the Auqaf Board.

Mr. A. Ray, Id. GP
Mr. T. Chakraborty,
Mr. D. Sahu
...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner challenges inaction of the Auqaf Board in disposing of the petitioner’s application for being appointed as a mutwalli. On the ground that the Wakf Tribunal was not taking up hearing matters, the writ petition was filed.

The petitioner submits that the prayer of the petitioner is innocuous. The Board be directed to consider the application in accordance with law.

Md. Galib, learned Advocate appearing for the Auqaf Board submits that a Hon’ble Division Bench of this Court, in a similar matter, held that the Wakf Tribunal should be

approached challenging inaction of the Board, i.e., even in cases when no orders are passed under the Act by the Board.

The decision of The Board of Wakf & Anr. vs. Anis Fatima Begum & Ors. (In Re: APOT No.116 of 2022) was relied upon and the order of the learned Single Judge requesting the Board to dispose of the petitioner's application therein, was set aside, granting liberty to the petitioner therein, to approach the Wakf Tribunal under Section 83 of the Wakf Act, 1995.

Be that as it may, the Wakf Tribunal is functioning now. The petitioner is granted liberty to approach the tribunal in accordance with law.

It is made clear that if such approach is made, the tribunal shall dispose of the said application upon following the principles of natural justice within a period of two months from date.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)