

D/L 77
18.11.2024
Kausik
ct.no.35

W.P.A. 24000 of 2024

**Halim Chowdhury
Versus
State of West Bengal & Ors.**

Mr. Mahamudul Hassan
Mr. Manas Kr. Das

...for the petitioner.

Mr. Syed Nurul Arfin
Mr. Syed Moyeeme Arfin

...for the respondent nos. 6, 7 & 8.

Mr. K.J. Yusuf, AGP
Mr. Balarko Sen

...for the state.

Petitioner complains that he is being disturbed at the behest of the private respondents in respect of management of the waqf estate and to that effect he has informed the Officer-in-Charge, Khandaghosh Police Station by his communication dated 05.03.2024 and subsequently also, but the police authorities have not acted till date.

It has been complained that prior to that on the basis of learned advocate's letter at the behest of the respondents, the employees of the petitioner was implicated in a criminal case. Petitioner complains that the police authorities have not rendered any

assistance or protection for running of the waqf estate.

State has submitted a report. Report reflects that the waqf tribunal is in seisin of the matter and there is a dispute and difference between the petitioner and the private respondents.

The learned advocate for the private respondents opposes the contentions and he submits that an injunction order has been passed.

In view of the petitioner and the respondents being at loggerhead and that subsequent events may have changed the nature and character of the accusations made, I grant liberty to the petitioner to file a fresh application before the Officer-in-Charge, Khandagosh Police Station which will incorporate summary of all the accusations. The Officer-in-Charge will consider whether any cognizable offence has been made out, in case he finds the same to have been made out, he will act in accordance with law. If thereafter, the Officer-in-Charge, Khandagosh Police Station do not act, petitioner would be at liberty to approach the jurisdictional criminal court by invoking the provisions of section 175(3) of the Code of Criminal Procedure. In the meantime, the police authorities of Khandagosh Police Station are directed to keep a strict vigil and to ensure that no breach of

peace takes place at the locale in respect of the subject property in dispute.

Report so submitted be kept with the record.

With the aforesaid observations WPA 24000 of 2024 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)