

16.04.2024
Sl. No.58
Ct. 19
sayandeep

CO 4476 of 2023

**Safiare Rahaman Mondal @ Bulbul Mondal @ Sofiare
Rahaman Mondal & anr.
Vs.
Board of Auqaf & ors.**

Mr. Bhaskar Ghosh
Mr. Gournaran Sau
Ms. Riddhi Ghosh

...for the petitioners

Mr. Sundar Gopal Bhattacharyya

.... for the Board of Auqaf

Mr. S.T. Mina
Ms. Priyanka Das
Mr. Pratim Sardar

..... for the added party

1. The revisional application arises out of an order dated December 4, 2023 passed by the learned Waqf Tribunal, West Bengal. By the said order, the learned Tribunal dismissed Appeal No. 1 of 2023 which was filed challenging a resolution of the Board of Auqaf dated August 31, 2023. By the said resolution, the Board disqualified the petitioners from holding the post of Mutwallis and they were removed in terms of Section 64 of the Waqf Act. The allegation was that the Mutwallis had illegally transferred the Waqf estate and recorded the Waqf properties in their names as secular properties in the L.R. record of rights and also sold certain properties.

2. The learned tribunal was of the view that appeal under Section 64(4) would not lie as the ground for removal did not fall under Clauses (c) to (i) of sub-Section 1 of Section 64. The Tribunal was of the view that the ground for removal fell within clause (k) of Section 64(1). Thus, the appeal was not maintainable.
3. I do not find any illegality in the order impugned. However, the petitioners are at liberty to prefer an original application in terms of the Waqf Act under Section 83(2) and pray for appropriate reliefs.
4. In view of the disposal of the revisional application with the liberty as granted, the application for addition of party is not required to be considered.
5. The revisional application is disposed of accordingly, along with the connected application.
6. All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)