

06.11.2025
ML.540

Court No.15
Sg

WPA 2018 of 2025

Sk. Julfikar Ali

Vs.

The State of West Bengal & Ors.

Mr. G.F. Hossain

Sk. Nizamuddin

Mr. Rakib Hossain

....for the petitioner.

Mr. Lalit Mohan Mahata

Mr. Prasanta Behari Mahata

....for the State.

Sk. Md. Galib

Abu Sihique Mallik

....for the Board of Auqaf.

The petitioner claims to be the Mutawalli of the relevant Wakf property. It is alleged that respondent nos. 10 to 16 have been making unauthorized constructions on the said premises without obtaining any permission from the concerned Panchayat authority.

It appears that the petitioner had already approached the Civil Court by filing a title suit before the Wakf Tribunal, alleging unauthorized construction by the said respondents, in which an order of status quo was passed on March 16, 2016.

Learned advocate appearing for the petitioner submits that the said respondents have once again commenced construction work recently, without any permission from the local Panchayat.

In view of the aforesaid facts, the Panchayat should take appropriate steps, if necessary, in accordance with Section 23(5) of the West Bengal Panchayat Act, 1973.

This Court, however, is unable to entertain the present writ petition. Since the petitioner has already obtained an order of status quo dated March 16, 2016, any alleged violation of the said order by the respondents may be brought to the notice of the Wakf Tribunal, which is the competent forum to deal with such grievance.

This Court is not inclined to permit the petitioner to pursue the present writ petition when he has already invoked the jurisdiction of the Wakf Tribunal with respect to the same property and the same subject matter.

The petitioner shall not be permitted to pursue two parallel remedies.

Accordingly, **WPA 2018 of 2025** stands dismissed.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(**Kausik Chanda, J.**)