

December 12, 2025

(6) ARDR

WPA 8740 of 2023

The Chief Executive Officer, The WB Wakf Board

Vs.

The State of West Bengal & ors.

Adv. Md. Ahsanuzzaman,

Adv. Md. Raziuddin,

... for the petitioner.

Adv. Md. Shah Minhajuddin,

Adv. Md. Mohiuddin,

...for the respondent nos. 12 & 15.

None appears for the State.

The property in question is admittedly a wakf property. The petitioner alleges that the private respondents are raising unauthorised construction therein. Several complaints lodged by the petitioner before the police authority have not been acted upon.

Learned counsel for the respondent nos. 12 and 15 submits that the property belongs to these respondents and is not part of the wakf property.

I have considered the rival submission of the parties. Admittedly the petitioner has filed an application before the Wakf Tribunal in respect of the property seeking permanent injunction. The case is pending. An application filed by the 10th respondent under Order VII Rule 11 of the Code of Civil Procedure has been turned down by the Tribunal. Since the issue involved in the present application is pending before the Wakf Tribunal, the petitioner is at liberty to seek necessary relief before the Tribunal. The matter is not maintainable before this Court and is accordingly dismissed.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

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

(Suvra Ghosh, J.)