

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 9561 of 2024

**Zulfiquar Ali Mirza
-versus
The State of West Bengal & Ors.**

**Mr. Shamit Sanyal.
Ms. Priyakshi Banerjee.
...For the Petitioner.**

**Mr. Somnath Ganguly. A.G.P.
Ms. Priyamvada Singh.
...For the State.**

**Mr. Neguive Ahmed,
Mr. Arif Ali,
Mr. Yusuf Ali Mirza.
...For the Respondent No.3.**

1. The matter relates to the Sibtainabad Imambara Trust.

2. The petitioner claims to be one of the family members of the King of Oudh. The property of Nawab Wajid Ali Shah is being maintained by a Trust with the District Magistrate as its custodian.

3. The petitioner has levelled certain allegations against the Trust before the District Magistrate by filing a representation on October 2023. The same is yet to be considered and disposed of.

4. Learned advocate representing the respondent no. 3/Trustee raises an objection with regard to the maintainability of the writ petition. It has been submitted that the Trust has not been impleaded as party in the writ petition and only one Trustee i.e. the private respondent no. 3 has been impleaded as

respondent. The writ petition is bad for non-joinder of necessary parties.

5. It has further been submitted that the respondent no. 3 was appointed in the year 2000. The instant writ petition has been filed in the year 2024 seeking his removal. The same is not maintainable.

6. Learned advocate representing the State respondents submits that the representation filed by the petitioner is yet to be considered.

7. Upon hearing the submission made on behalf of all the parties, it appears that the private respondent no. 3 was appointed as one of the Trustees in the year 2000. The petitioner has come to learn that there are certain illegal activities going on in respect of the said property. The properties of the Trust are being misused.

8. An objection was filed by the petitioner before the District Magistrate which is pending consideration.

9. The members of the Trust including the respondent no. 3 ought not to stand in the way of consideration of the representation filed by a member of the family alleging mishandling of the properties of the Trust. As such a representation is pending consideration, the same ought to be looked into by the District Magistrate.

10. In view of the above, the instant writ petition is disposed of by directing the District Magistrate, South 24 Parganas being the respondent no. 2 herein to consider and dispose of the representation filed by the petitioner in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and by passing a reasoned order at the earliest but positively within a period of twelve weeks from the date of communication of this order. The reasoned

order shall be communicated to all the parties immediately thereafter.

11. It is made clear that this Court has not entered into the claim of the petitioner and all points are left open to be decided by the District Magistrate at the time of consideration of the representation filed by the petitioner.

12. Learned advocate for the petitioner is directed to forward a copy of the representation dated 4th October, 2023 along with all documents in support thereof to the aforesaid respondent at the time of communicating the order of the Court.

13. As the writ petition is being disposed of without calling for any affidavits, the allegations made therein are deemed not to have been admitted by the respondents.

14. The writ stands disposed of.

19. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)