

25th August, 2025

Item No.D/L 07
Court No. 14

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 18205 of 2025**

In the matter of :

Mrs. Firdaus Ara Hossain & Anr.

.... Petitioners

VS.

The State of West Bengal & Ors.

.... Respondents

For the Petitioners :

Mr. Golam Mastafa

Mr. Md. A.R. Jaglul Kabir

.... Advocates

For the State :

Mr. Ansar Mandal

Mr. Tanweer J. Mondal

.... Advocates

For the Board of Auqaf :

Mr. Md. Salahuddin

Mr. Md. Ahsanuzzaman

.... Advocates

1. The petitioners are aggrieved by the steps taken by the Board of Auqaf dated 15th July, 2025 inviting applications from the descendants of the wakif of Haji Md. Yousuf Mia Wakf Estate having the rightful claim for appointment as *mutawalli* within a period of thirty days.
2. The notice mentions that there is no recorded *mutawalli* at present in respect of the said Wakf.
3. According to the petitioners, the aforesaid recording in the said notice is incorrect as the petitioners claim to be the permanent *mutawalli* of the said Wakf.
4. Learned advocate for the petitioners submit that a proceeding before the Wakf Tribunal challenging the

change of status of *mutawalli* from permanent to temporary is pending consideration in OA no. 22 of 2025.

5. The provision of Section 85 of the Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995 has been relied upon. The section specifically records that no suit or other legal proceeding shall lie in any Civil Court, Revenue Court and any other authority in respect of any dispute, question or other matter relating to Waqf, Waqf property or other matter which is required to be determined by the Tribunal.
6. Admittedly, in the instant case, a proceeding is pending before the Tribunal relating to appointment of *mutawalli*. It will not be proper for the Writ Court to enter into the grievance of the petitioners as regards the appointment of *mutawalli* in the instant writ petition.
7. It will be open for the petitioners to approach the Tribunal to obtain an order of stay of the direction passed by the Auqaf Board if the petitioners are genuinely aggrieved by the impugned notice.
8. No relief can be granted to the petitioners in the instant writ petition.
9. The writ petition fails and is hereby dismissed.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)