

WPA 23351 of 2025

Abu Hossain Sha & Ors.
Vs.
The State of W. B. & Ors.

Sk. Moinuddin ...for the petitioners.

Md. Ashanuz Zaman
Ms. Moumita Karmakar ...for the State.

Mr. Iftekar Munshi ...for respondent Nos.9 to 13.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

The petitioners allege that the private respondents are raising construction in the Wakf property illegally. The petitioners submitted a representation in this regard before the Chief Executive Officer, Board of Wakf, West Bengal on 21st April, 2025 requesting the authority to look into the matter pursuant to which the Chief Executive Officer, by a letter dated 26th April, 2025, submitted a complaint before the Officer in Charge, Bagnan PS and requested necessary steps to be taken so that no unauthorized construction could take place in the Wakf property.

Learned counsel for the petitioner submits that no step has been taken by the police in respect of the complaint submitted by the Chief Executive Officer.

Learned counsels for the State and the private respondents submit that a suit filed by the 2nd petitioner

against the private respondents and others being suit no. 36 of 2024 is pending before the Wakf Tribunal, West Bengal and the said petitioner has inter alia prayed for a decree for declaration that the respondents have no right, title and interest in respect of the property and a decree for permanent injunction restraining them from changing the nature and character of the property and creating any third party interest therein.

The petitioners claim that the property is Wakf property. The issue herein is being dealt with by the Wakf Tribunal. Right, title and interest with regard to the property as well as the allegation of raising unauthorized construction therein shall be dealt with by the Tribunal. This Court is informed that no interim injunction was granted by the Tribunal in favour of the 2nd petitioner. However, the police authority is directed to keep strict vigil over the area so that no untoward incident takes place and there is no breach of peace and tranquility in the area.

With the above directions and observations, the writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ 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.)