

22.07.2025
Sl. No. 28
Ct No. 7
SG

**WPA 7560 of 2020
CAN 2 of 2021**

**Farida Begum & Anr.
Vs
State of West Bengal & Ors.**

Mr. Somnath Naskar.

...for the petitioners

Mr. Shehnaz Tareq Mina,
Mr. Ranjit Rajak.

...for the State

Md. Salahuddin,
Md. Ahsanuzzaman,
Md. Raziuddin.

...for the Board of Wakf
(respondent nos. 2 & 3)

Mr. Syed Nazmul Hossain,
Mr. Syed Nazirul Hossain,
Mr. S. R. Hossain.

... for respondent no. 8

Mr. Animesh Mukherjee,
Md. Abdul Alim.

... for private respondents

1. At the outset, Md. Salahuddin, appearing for respondent Nos. 2 and 3, raises the issue of maintainability of the present writ petition. He draws the Court's attention to the provisions of Section 83 of the Wakf Act, 1995, and submits that Section 83 imposes a duty on the State Government to constitute tribunals for the adjudication of any dispute, question, or matter concerning a wakf and wakf property, including the eviction of tenants, for determining the rights and obligations of the lessor or lessee of wakf property situated within the territorial jurisdiction of such tribunals, and accordingly, such tribunals have been constituted.

He further submits that the property which forms the subject matter of the present writ petition is a wakf property and, therefore, the petitioner ought to have approached the Wakf Tribunal having territorial jurisdiction over the said property.

2. Mr. Naskar, appearing for the petitioner, submits that the present writ petition was filed at a time when the normal life of the people of this country was almost paralysed due to the COVID-19 pandemic. He further submits that the petitioner should be granted liberty to prefer an application before the Wakf Tribunal.

3. In view of the foregoing, the present writ petition is disposed of as withdrawn, with liberty granted to the petitioner to file an appropriate application before the Wakf Tribunal having territorial jurisdiction over the property in question within three weeks from today. Any application filed in connection with this writ petition shall also stand disposed of.

4. In the event such application is filed within the time specified in the preceding paragraph, the same shall be decided on its merits in accordance with law, without raising any plea of delay in its presentation, and shall be disposed of as expeditiously as possible.

(Partha Sarathi Chatterjee, J.)