

Through
Subordinate Judge
Howrah

DISTRICT : HOWRAH.

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side.

WP 27982(W) 97

IN THE MATTER OF :

An application under Article 226 of
the Constitution ;

AND

IN THE MATTER OF :

A Writ and/or Writs in the nature of
Mandamus and/or Certiorari and/or an
Order or Orders and/or Direction or
Directions of like nature ;

AND

IN THE MATTER OF :

Exparte decision contained in Order
dated 26th April, 1995, passed by the
then Commissioner of Wakfs, West Bengal,
enrolling the petitioner's Secular
properties as wakf under Enrolment Case
No. 15207 ;

AND

IN THE MATTER OF :

Order dated 22nd September, 1997, issued
by the Chief Executive Officer, Board
of Wakfs, West Bengal, intimating that



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- 2 -

the properties in question were enrolled under Section 36 of the Wakf Act 1995 and classified as public wakf and appointing the private respondent No. 4 and 5 as mutwallis under Section 63 of Wakf Act 1995 for a period of 3 years with effect from 10th September, 1997 ;

AND

IN THE MATTER OF :

Petitioner's application submitted on 31st October, 1997, in the office of the Board of Wakfs, West Bengal, praying for amendment of the wakf register by passing suitable orders for perusal of the records relating to the lands in question under the alleged wakf ;

AND

IN THE MATTER OF :

Bengal Wakf Act 1934, and the Rules framed thereunder ;

AND

IN THE MATTER OF :

Wakf Act, 1995 ;

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AND

IN THE MATTER OF :

1. Golam Ali Jamadar,
2. Ataul Haque Jamadar,
3. Motiar Rahman Jamadar,
4. Mohiuddin Jamadar,
5. Jainul Abedin Jamadar,
6. Saugat Ali Jamadar,
7. Sarwar Ali Jamadar,
8. Md. Moniruddin Jamadar,
9. Nupura Jamadar,
10. Jaidul Haque Jamadar,
11. Zakir Hossain Jamadar,
12. Musharaf Hossain Jamadar,
13. Taharjot Jamadar,
14. Sk. Md. Ismail,
15. Noor Jalal Jamadar,
All of Village - Jaypur, P.O. Jaypur,
P.S. Amta, District - Howrah.

... .. Petitioners.

VERSUS

1. State of West Bengal, through the
Secretary, Judicial Department,
Writers' Buildings, Calcutta - 700 001.
2. Board of Wakfs, West Bengal, having
its Office at 6/2, Madan Street,
Calcutta - 72.
3. Chief Executive Officer, Board of
Wakfs, West Bengal, having his office

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- 4 -

at 6/2, Madan Street, Calcutta - 700 072.

4. Nazrul Haque Jamadar, son of Late
Abdul Hamid Jamadar,

5. Akbar Ali Jamadar, son of Aktar Ali
Jamadar, both of Village - Jaypur, P.O.
Jaypur, P.S. Amta, District - Howrah.

... .. Respondents.

Sup
06.08.18

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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
		8.4.2009	<p align="center">IN THE HIGH COURT AT CALCUTTA CONSTITUTIONAL WRIT JURISDICTION APPELLATE SIDE.</p> <p align="center">C.A.N.No.3161 of 2009 In W.P. No. 27982(W) of 1997</p> <p align="center">Golam Ali Jamadar & Ors. -v.- State of West Bengal & Ors.</p> <p>Mr. Amzad Ali Sardar ...For the petitioners. Mr. Ibrahim Shaikh For the applicants.</p> <p>Hearing is adjourned until April 22,2009.</p> <p align="right"><i>Sd/- Jayanta Kumar Biswas - J</i> (JAYANTA KUMAR BISWAS,J)</p>
		06-05-2009 sb-9	<p>Mr. Bilwadal Bhattacharjeefor the applicant Mr. Sumit Kumar Panjafor the board</p> <p>Since Mr Ali is not present, hearing is adjourned until May 20, 2009. List it under the heading 'application' on May 20, 2009.</p> <p align="right"><i>Sd/- Jayanta Kumar Biswas - J</i> (Jayanta Kumar Biswas, J.)</p>

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06.08.18*

Pr. 11065
(4)





1. Date of application for Certified Xerox Copy..... 13.07.2018
2. Date of notifying the charge..... 02.08.2018
3. Date of Putting in charge in Court fee Stamps..... 02.08.2018
4. Date of which the certified Xerox Copy was ready for delivery..... 05.08.2018
5. Date of making over the Certified Xerox Copy of the application.....

Certified to be a true Copy
Ranjana Roy Choudhury
Assistant Registrar/Section Officer
High Court, Appellate Side Calcutta
Authorised Under Section 76 of the
Indian Evidence Act, 1872
(Act-1 of 1872)
06.08.18

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
		20-05-2009 sb-9	<p style="text-align: center;">In The High Court at Calcutta Constitutional writ Jurisdiction Appellate side</p> <p style="text-align: center;">C.A.N.No.3161 of 2009 in W.P.No.27982(W) of 1997 Golam Ali Jamadar & Ors. -vs- State of West Bengal & Ors.</p> <p>Mr. Bilwadal Bhattacharjeefor the applicants</p> <p>Mr. Sumit Panja Mr. K.J. Yusuffor the board</p> <p>One Nazrul Haque Jamadar has taken out this application with one Akbar Ali Jamadar. These two persons claim that they are the joint mutwallis of Charagi Imam Saheb Masjit Waqf Estate, particulars whereof have been given in the prayer of the application.</p> <p>The two applicants are parties to the writ petition in connection wherewith the application has been taken out. The writ petition is pending. They have taken out the application for an order permitting them to reconstruct the mosque that is in a state of dilapidation.</p> <p>None appears for the writ petitioners. Hearing of the application was adjourned on April 8, 2009 and May 6, 2009. Notice of the application has been given to advocate for the writ petitioners. No opposition to the application has been filed by anyone.</p> <p>Mr Panja appears for the Board of Waqfs. He submits that the property in question has been duly enrolled as a waqf. He further says that the two persons who have taken out the present application have been duly appointed as the mutwallis of the waqf.</p> <p>Mr Bhattacharjee and Mr Panja submit that questioning the appointment of the two persons who took out this application as joint mutwallis of the waqf in question, the petitioners took out the pending writ petition. It is therefore evident that today the two persons who have taken out this application are the mutwallis of the waqf.</p>

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06.08.18

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			<p>Under the circumstances, I am of the view that they should be permitted to reconstruct the mosque that is in a state of dilapidation, - an uncontroverted fact. I think the application should be allowed.</p> <p>For these reasons, I allow this application. The two persons who have taken out this application are permitted to reconstruct the mosque after obtaining all sanctions, approvals, etc. from all statutory authorities and bodies in accordance with law. There shall be no order for costs.</p> <p>Urgent certified xerox of this order, if applied for, shall be supplied to the parties within three days from the date of receipt of the file by the section concerned.</p> <p style="text-align: right;">  (Jayanta Kumar Biswas, J.) </p> <p style="text-align: center; margin-top: 100px;">  </p>

Date

Office notes, reports, Orders or proceedings with signature

8-11-2009
sb-9

In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

C.A.No.7346 of 2009
in
W.P.No.27982(W) of 1997

Nonefor the applicant

Nonefor the State

None appears. The application is dismissed for default. There shall be no order for costs.

Sd/ Jayanta Kumar Biswas - J

(Jayanta Kumar Biswas, J.)

Sd/
08.08.18

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
		02-12-09	In The High Court At Calcutta Constitutional Writ Jurisdiction Appellate Side C.A.N 7346 OF 2009 in W.P. 27982 (w) of 1997 Mr. Bilwadal Bhattacharjee...for applicant Mr. K.J. Yusuf ...for respondent Nos. 2 and 3 I have no determination to take up the application. Let it go out of list. <i>Sd/ Jayanta Kumar Biswas - J</i> (Jayanta Kumār Biswas, J)

Sd/
02.12.09

PP-11065
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