

Resolution of the 11th Board Meeting held on 30.08.17 at 11.30 A.M onwards in the Office of the Board of Auqaf, West Bengal, 6/2, Madan Street, Kol-72.

The following members are present:

1. Justice Md Abdul Ghani	... Chairperson
2. Jb. Abu Hasem Chaudhury	... Member
3. Jb. Affakuzzaman Khan	... Member
4. Jb. Sheikh Anis-El-Huq	... Member
5. Jb. Sk Ansar Mondal	... Member
6. Jb. Syed Athar Abbas Rizvi	... Member
7. Jb. Abu Taher Khan	... Member
8. Haji Nurul Islam	... Member

Official present:

Jb. Humayun Biswas, the Chief Executive Officer, Board of Auqaf, West Bengal and Ex-Officio Secretary, Board of Auqaf, West Bengal.

Hon'ble Justice Jb. Md Abdul Ghani, Chairperson, Board of Auqaf, takes the Chair.

Item No. 01 of the agenda:

Ref: File No. 22D-1/W-86 (Resolutions)

- i) Confirmation of the resolutions of the Board of Auqaf (General) 9th meeting held on 18.07.17
- ii) Confirmation of the resolutions of the Board of Auqaf (Board-10th) (M&E-3rd) meeting held on 27.07.17

Item No. 02 of the agenda:

Ref: To consider the matter arising out of the Agenda Item No. 1 above.

Decision:

While the matter of confirmation of resolutions of the Board meeting held on 18-07-17 and 27-07-2017 are placed for consideration it is discussed at length. It could be learnt from Alamgir Azad, a staff member of the Board, charged with the matter that the copies of the resolutions have meanwhile been served to all the Hon'ble Board members for favour of their consideration with regard to all the items.

In course of deliberation and discussion, none of the Hon'ble members proposes for addition and alteration of any of the items of the resolutions. Accordingly, after due deliberation and discussion it is unanimously resolved that let all the items of the resolutions as aforesaid be confirmed. Alamgir Azad, charged with the affairs, be impressed upon to take immediate steps so that copies of the final resolutions are made available to each of the Hon'ble members.

Item No. 03 of the agenda: Brd./30.08.17

Ref: E.C. No. 2892

Dist. Burdwan

Re. To consider the matter of appointment of Mutawalli and present state of affairs in respect of **Tentultala Waqf Estate**

Decision

The parties belonging to A group and B group including some leading persons interested in the matter in issue are present on call. The agenda as aforesaid is taken up for consideration. Each of the groups by separate prayer dt. 20.05.2017 and 08.07.2017 respectively comes forward for being appointed as mutawallis in respect of the estate by

CHAIRPERSON
BOARD OF WAKFS
WEST BENGAL

discarding the claim of each other. The hearing of the parties and materials made available in file, make it clear that the waqf in question has been enrolled with the Board in the name **Tentultala Waqf Estate** classifying it as waqf other than waqf al-al-aulad (public). It is having valuable properties within the important area of Burdwan town. A Masjid in the name of Tentultala Jame Masjid is the beneficiary of such estate. The local people at large use to perform their religious observance in the said Masjid.

The record reveals that the dignitaries belonging to A group were appointed as mutawalli by the Board's resolution dated 03.05.2012, confirmed on 31-05-2012, consisting of 11 members for a period of five years, the term of which has already expired. It can well be derived that there are allegations against Jb Noor Alam and Sk Abdul Hai @ Shamim, the Secretary and the Cashier, respectively of the previous committee who are alleged to be guilty of misuse, mismanagement and defalcation of the fund of the estate.

Jb Omar Farooq Siddique, being the representative of the local people incourse of making his submission as to the status of the estate and the Masjid, categorically contended that as the Secretary and the Cashier are guilty of misuse and mismanagement also defalcation of the fund of the estate, they should not be included in the committee proposed to be formed by them in any capacity. Jb Farooq concluded that if the previous committee is approved excluding such Cashier and the Secretary, the people at large having keen interest in the matter will not have any objection at this stage. The parties belonging to B group submit that in the interest of the estate they should be appointed as mutawallis.

Further fact remains that one Fazlur Rahaman, belonging to the locality, claiming to be interested in the matter of service as also contribution of the estate to the society at large, made a specific complaint on 01.08.2017 supported by an affidavit and categorically alleged that as the Secretary and the Treasurer of the previous committee mutawallis are guilty of defalcation of the fund and misuse of the waqf assets, they in no circumstances would be appointed as mutawallis.

It can well be derived from the submission of the parties mainly from the dignitaries representing A group and the materials in the file go to show that meanwhile the concerned department of the present Government allotted sufficient fund for development of the estate for creating better environment of the existing Masjid. Such work is required to be undertaken and completed on utilization of such fund. In fact, the allegations made against the erstwhile Cashier and the Secretary at present are not supported by any documents or substance.

Now, in order to avoid complications and discontinuation of the process of ruining of the estate and benefit of the Masjid, it is unanimously resolved that the members of the previous committee other than persons meanwhile died and relinquished the post of mutawalli of the previous committee whose names are given below be allowed to continue with the matter of rendering service to the estate till further decision. Accordingly, it is

CHAIRPERSON
BOARD OF WAKFS
WEST BENGAL

unanimously resolved that the persons whose names are given below with the portfolios be appointed as mutawallis in respect of **Tentultala Waqf Estate** for a period of three years or until further order whichever is earlier in terms of the provisions of Section 63 of the Waqf Act, 1995 under the following terms and conditions:

Sl	Name	Portfolio
1	Jb. Sk Mozammel Haque	President
2	Jb. Hasibul Hasan	Vice-President
3	Jb. Noor Alam	Secretary
4	Jb. Sk Kamruddin	Assistant Secretary
5	Jb. Sk. Abdul Hai	Treasurer
6	Jb. Kazi Manarul Haque	Assistant Treasurer
7	Jb. Sk Nazrul Huda	Member
8	Jb. Sawkat Osman Ali	Member
9	Jb. Sk Golam Martuza	Member
10	Jb. Mahasin Ansari	Member
11	Jb. Sk Golam Sofiuddin	Member

Terms & Conditions:

- To open an account in the name of **Tentultala Waqf Estate** in any nationalized bank, if not opened earlier.
- The said account be operated by the Treasurer jointly with the Secretary.
- To pay the yearly waqf contribution of each year within the month of May.
- To pay the arrear waqf contribution, if any, within the December, 2017.
- To submit the yearly statement of accounts definitely within the month of May each year.
- To submit the Voter's Identity Cards of the committee members, if any of them is not submitted earlier.

From the hearing of the parties and materials on record together with the memorandum of allegation dt.01.08.2017, it can well be derived that there are some specific allegations against the Secretary and the Treasurer of the previous committee mutawallis for collecting money in various ways from the tenants and others who are in occupation of the part of the waqf estate either as tenants or in any other capacity. They are alleged to have also defalcated money accumulated in the fund of such estate in different ways. The details of such allegations are inserted in Para-4 of such memorandum dt. 01.08.2017. While such unchallenged statement of allegations are supported by an affidavit, it is concluded that the same must be enquired into in order to have the truth or otherwise. Thus, after due deliberation and discussion, it is unanimously resolved that an inquiry be conducted by Mahfoozur Rahman, a staff member of the Board in respect of such allegations. It is recorded that he is to make enquiry of the matter and to submit his report on the categorical points of allegations as inserted in the complaint within 15 (fifteen) days from the date of communication of the resolution. On receipt of his report, the

same be placed in the next immediate Board meeting for consideration and taking action, if any, in interest of the estate and religious people at large.

Item No. 04 of the agenda: Brd./30.08.17

Ref: E.C. No. 15080

Dist. Malda

Re: To consider the matter of re-appointment of mutawalli in respect of Pirottar Jahan Pir Mazar Waqf Estate.

Decision

The parties including their Ld counsels who are present on call are heard at length. As proposed on furnishment of a list at the conclusion of hearing, a committee mutawalli consisting of seven persons whose names are given below with the address and portfolio, be formed in respect of **Pirottar Jahan Pir Mazar Waqf Estate** for a period of five years or until further decision whichever is earlier, in terms of the spirit of section 63 of the Waqf Act, 1995 under the following terms and conditions:

Terms & Conditions:

- i) To open an account in the name of **Pirottar Jahan Pir Mazar Waqf Estate** in any

S1	Name & Father's name	Address	Portfolios
1	SamimAnish S/o Late Abdus Samad	Hyderpur, English Bazar, Malda	President
2	Md Hassan Ali Shah, S/o Late Rahmat Ali Shah	Maheshmati, English Bazar, Dist. Malda	Secretary
3	Md Manjar Hassan S/o Late Mamtaj Sk	Pirojpur, English Bazar, Malda	Treasurer
4	Md Sajed Ali Khan S/o Late Yunush Ali Khan	Pirojpur, English Bazar, Malda	Member
5	Md Abdul Salek S/o Md Samsuddin	Mangalbari, Old Malda, Malda	Member
6	Hazi Syeed Anish S/o Late Abdus Samad	Hyderpur, English Bazar, Malda	Member

nationalized bank, if not opened earlier.

- ii) The said account be operated by the Treasurer jointly with the Secretary.
- iii) To pay the yearly waqf contribution of each year within the month of May.
- iv) To pay the arrear waqf contribution, if any, within the December, 2017.
- v) To submit the yearly statement of accounts definitely within the month of May each year.
- vi) To submit the Voter's Identity Cards of the committee members, if any of them is not submitted earlier.

Item No. 05 of the agenda: Brd./30.08.17

Ref: E.C. No. 4049

Dist. Malda

Re: To consider the matter of appointment of mutawalli in respect of Abdul Aziz Khan Waqf Estate.

Decision

The parties including Mr. A R Mollick, Ld Advocate representing Md Azimuddin and others who are present on call are heard at length. Upon hearing the parties and in the

light of the materials made available on record and also as proposed by the parties on furnishment of a list this day, it is unanimously resolved that in the interest of the estate as well as the beneficiaries of the same, a committee mutawalli consisting of the persons whose names are given below including Hazi Aminul Islam S/o Late Haji Hossain Mia of Gayeshbari, PS- Kaliachak, Malda as president and Md Ibrahim as Representative of local Member of Parliament, be formed in respect of **Abdul Aziz Khan Waqf Estate** in terms of Section 63 of the Waqf Act, 1995 for a period of five years or until further decision whichever is earlier under the following terms and conditions:

Sl	Name & Father's name	Address	Portfolios
1	Hazi Aminul Islam S/o Late Haji Hossain Mia	Gayeshbari, PS- Kaliachak, Malda	President
2	Md Sajed Ali Khan S/o Late Yunis Ali Khan	Pirojpur, PS English Bazar, Malda	Vice-President
3	Md Manjar Hassan, S/o Late Mantaj Sk	Pirojpur, PS English Bazar, Malda	Secretary
4	Hazi Syeed Anish S/o Late Abdus Samad	Hyderpur, PS-English Bazar, Malda	Assnt Secretary
5	Samim Anish, S/o Late Abdus Samad	Vill- Hyderpur, PS-English Bazar, Post & Dist. Malda	Assistant Secretary
6	Md Abdul Salek, S/o Md Samsuddin	Parasamondi, Old Malda, PS & Dist. Malda	Treasurer
7	Md Mozibar Rahaman, S/o Late Abdul Latif Biswas	Vill & Post - Dallugram, PS- Kalichak, Dist. Malda.	Member
6	Asgar Ali, S/o Late Chand Md	Vill- Hyderpur, Piajimore, PS- English Bazar, Post & Dist. Malda	Member
9	Daraul Hossain S/o Late Sadik Mia	Imambari Lane, PS-English Bazar, Post & Dist. Malda	Member
10	Samiul Rana S/o Rabiul Khan	Fulbari (Near Masjid) PS- English Bazar, Post & Dist. Malda	Member
11	Md Ibrahim	Representative of Local M P	Member

Terms & Conditions:

- To open an account in the name of **Abdul Aziz Khan Waqf Estate** in any nationalized bank, if not opened earlier.
- The said account be operated by the Treasurer jointly with the Secretary.
- To pay the yearly waqf contribution of each year within the month of May.
- To pay the arrear waqf contribution, if any, within the December, 2017.
- To submit the yearly statement of accounts definitely within the month of May each year.
- To submit the Voter's Identity Cards of the committee members, if any of them is not submitted earlier.

CHAIRPERSON
BOARD OF WAKFS
WEST BENGAL

Item No. 06 of the agenda: Brd./30.08.17**Ref: E.C. No. 8723****Dist. Birbhum****Re:** To consider the matter of appointment of Mutawalli in respect of **Aledan Nessa Bibi Waqf Estate**.**Decision**

The petitioner Syeda Khodaja Nargis along with her Ld counsel is present on call. It may be pointed out that Syed Faruque Azam and Syed Faruque Hashem both the sons of Ramisha Khatun, last mutawallia acted as joint mutawallis and then managed and supervised the waqf property as described in Schedule 'Ka' and 'Kha' till 1975. Thereafter, Syed Faruque Hashem having job left for abroad and then surrendered his right of mutawalliship to his other brother, Syed Faruque Azam.

In the circumstances, upon hearing the petitioner and her Ld counsel and in view of the materials on record, it is unanimously resolved that Syeda Khadija Nargis being the daughter of Syed Faruque Azam, ex-mutawalli since expired, be recorded as mutawalli in respect of **Aledan Nessa Bibi Waqf Estate** in terms of the provision of Section 3 (i) of the Waqf Act, 1995 under the following terms and conditions:

Terms and conditions:

- i) To open an account in any nationalized bank in the name of **Aledan Nessa Bibi Waqf Estate** mentioning **Enrolment Case number 8723**.
- ii) The said accounts be operated by the mutawallia herself.
- iii) All transactions of income and expenditures of the estate be routed through the said accounts.
- iv) To pay arrear contribution, if any, definitely within one month from the date of communication of this the resolution.
- v) To submit the arrear statement of accounts, if any, within one month from the date of communication of this the resolution.
- vi) To submit the yearly statement of accounts in the month of April each year.
- vii) To submit the Aadhaar card of the mutawallis appointed this day within one month from the date of communication of this the resolution.

The mutawallia appointed this day will look after the portion of the waqf properties to the extent of area as per schedule "Ka" already under possession and supervision of the previous mutawalli.

Item No. 6A of the agenda: Brd./30.08.17**Ref: E.C. No. 8723 A****Dist. Birbhum****Re:** To consider the matter of appointment of Mutawalli in respect of **Aledan Nessa Bibi Waqf Estate**.**Decision**

The agenda as aforesaid being placed is taken up for consideration. The petitioners themselves including their Ld counsel is present on call. Syed Faruque Azam and Syed Faruque Hashem both sons of Ramisha Khatun, the last mutawallia, acted as joint mutawallis and then managed and supervised the waqf property as described in Schedule 'Ka' and 'Kha' till 1975.

CHAIRPERSON
BOARD OF WAKFS
WEST BENGAL

As Syed Mehedi Masud and Rehana Sultana, the petitioners herein being the son and daughter of Syed Faruque Hashem, ex-mutawalli herein, now residing at Kolkata, prayed for being recorded as mutawallis, after due deliberation and discussion, it is unanimously resolved that their names be recorded as mutawallis in respect of **Aledan Nessa Bibi Waqf Estate** in terms of the provision 3 (i) of the Waqf Act, 1995 under the following terms and conditions:

Terms and conditions:

- i) To open an account in any nationalized bank in the name of **Aledan Nessa Bibi Waqf Estate** mentioning **Enrolment Case number 8723A**.
- ii) The said account be operated by the mutawallis jointly.
- iii) All transactions of income and expenditures of the estate be routed through the said accounts.
- iv) To pay arrear contribution, if any, definitely within one month from the date of communication of this the resolution.
- v) To submit the arrear statement of accounts, if any, within one month from the date of communication of this the resolution.
- vi) To pay yearly contribution in the month of May each year.
- vii) To submit the yearly statement of accounts in the month of April each year.
- viii) To submit the Aadhaar card of the mutawallis appointed this day within one month from the date of communication of this the resolution.

The mutawallis appointed this day will look after the portion of the waqf properties to the extent of area as per schedule "Kha" which was already under possession and supervision of the previous mutawalli.

Item No. 07 of the agenda: Brd./30.08.17

Ref: E.C. No. 4579

Dist. Howrah

Re: To consider the matter of appointment of Mutawalli in respect of **Pirottar Imam Saheb Waqf Estate**.

Decision

The parties including their Ld counsels are present on call and they are heard. The record reveals that an enquiry was conducted by a team of the Hon'ble Board members consisting of (i) Jb Ansar Mondal, (ii) Jb Sheikh Anis-El-Huq and (iii) Syed Athar Abbas Rizvi in respect of the estate to ascertain the state of affairs.

Evidently, the waqf estate could be created for upkeep of the Masjid classification of which is waqf by user. The local Muslims are the beneficiaries who are observing their religious practice therein. Consequent upon differences of opinion and disagreement between the previous joint mutawallis namely, Sk Daud Ali and Sk Sawkat Ali of whom latter ultimately tendered resignation from the post of mutawalli. Moreover, it is made clear from the hearing of the parties that there are grievances of the villagers against Sk Daud Ali who is appearing to very old.

CHAIRPERSON
BOARD OF WAKFS
WEST BENGAL

As there is question of management and supervision of the Masjid which is the vital part of the estate and as agreed upon by the parties, after due deliberation and discussion, it is resolved that they are to submit a single consensus list of the persons for formation of a committee mutawalli in view of the resolution proposed to be adopted in the village meeting to be convened by Sk Daud inviting all the villagers. On submission of such resolution, in the Board within one month sharp from the date of communication of the resolution, let the matter be placed in the next available Board meeting for formation of the committee mutawalli.

Item No. 08 of the agenda: Brd./30.08.17

Ref: E.C. No. 4649

Dist. Hooghly

Re: To discuss the matter of enquiry report submitted by the Hon'ble Board Members, Jb Ansar Mondal & 3others and present state of affairs in respect of **Hooghly Imambara Waqf Estate**.

Decision

The parties themselves including their Ld counsels representing Syed Ali Raza Husain & Syed Md. Azam are present on call. At the very outset it is categorically asserted by Abbas Ali Sirazi, one of the members of the existing committee mutawalli that the copy of the report of enquiry could not be made available to them. In the circumstance, it is resolved that in order to accelerate the hearing this day, a copy of the report of enquiry be made available to the parties claiming so and entitled to by dispensing with the process of certification regarding such copy as required by rules. Accordingly, it is done in the open meeting of the Board.

Ultimately, the parties come forward with their say. They are heard at length. The report of enquiry submitted by the Hon'ble Board members on 08-06-2016 pursuant to this Board's resolution is placed for consideration. The said report gives clear recommendation that on account of inactiveness and illness of Mirza Md Ali and Syed Rayaz Hossain by reason of their old age, they be removed from the existing committee.

In view of the allegations and counter allegations made by the parties inter alia as to their status of performance, it is further resolved that the mutawallis be directed to explain the situation as to under what circumstances, they could not submit the accounts and also failed to make payment of the waqf contribution as per the existing rules.

In the light of the elements of the report of enquiry, two members of the mutawalli committee namely, Mirza Md Ali and Syed Rayaz Hossain who are asserted to be ill, be impressed upon to appear before the Board personally with the documents to exhibit their physical condition.

On completion of the process, let the matter do come in the next available Board meeting for further consideration of the issues suggested in the report of enquiry.

Item No. 09 of the agenda: Brd./30.08.17

Dist -Midnapore(West)

Ref: E.C. No. 15513

Re: To consider the matter of releasing further sum of Rs. 4,00,000/- for renovation and/or repair of **Kusman Jame Masjid Waqf Estate**.

CHAIRPERSON
BOARD OF WAKFS
WEST BENGAL

Decision

The matter of releasing further sum of Rs. 4,00,000/- for renovation and/ or repair of Masjid belonging to the waqf estate in question being placed is taken up for hearing and consideration. The hearing of the parties and materials on record make it clear that the amount which was allotted by the Board has already been spent for construction of the Masjid under supervision of the Assistant Engineer of the Board. The remaining amount of Rs. 4,00,000/- (Rupees four lakhs) is required to be released for completion of the balance work of the renovation work.

Upon hearing the parties and to cope up the disputes pending between the Mosque (Masjid) Development Committee and the Committee Mutawalli of the estate and as agreed upon by them, it is unanimously resolved that the remaining amount of Rs. 4, 00,000/- be released in favour of the Mutwalli Committee and the Committee Mutawalli is to submit an undertaking that they would withdraw the LA Case pending regarding the property of the estate.

Since the amount is lying in the fund of Waqf Estate, the Chief Executive Officer of the Board be impressed upon to take immediate steps so that such amount is released in favour of the Mutwalli Committee at the earliest for completion of the remaining/pending work of repair and renovation. Such work must be done under the strict supervision of the Assistant Engineer of the Board.

Item No. 10 of the agenda: Brd./30.08.17**Ref: E.C. No. 12711****Dist -North 24 Parganas**

Re: To consider the prayer of Md Nawsad Ali for lease of wakf land for construction of English Medium School (Nursery-Class- XII) for the Minority Community in respect of **Takibunnesha Wakf Estate**

Decision

The parties along with their Ld counsels including Amiruddin Siddique are present on call. The matter is heard at length in presence of the parties and also in participation of some local people who are interested in the management and supervision of the estate. During hearing, it is learnt that there is a Masjid within the ambit of waqf property. It reveals that the estate was taken up under Direct Management following the Board's resolution dated 10-02-2015 and a Mosque Management & Supervisory Committee was formed in the Board meeting dated 09-04-2015.

It would appear that a proposal was made on 15-07-2016 by one Md Nawsad Ali on behalf of Rizia Bibi Foundation (Charitable Trust) asserting that as they are running one Bengali medium minority educational institution at a place under Police Station - Barasat, now they intend to have the entire area of such estate in question for establishing and running an English Medium School from Nursery to XII for the students belonging to minority community.

h
CHAIRPERSON
BOARD OF WAQFS
WEST BENGAL

Decision

The matter of releasing further sum of Rs. 4,00,000/- for renovation and/ or repair of Masjid belonging to the waqf estate in question being placed is taken up for hearing and consideration. The hearing of the parties and materials on record make it clear that the amount which was allotted by the Board has already been spent for construction of the Masjid under supervision of the Assistant Engineer of the Board. The remaining amount of Rs. 4,00,000/- (Rupees four lakhs) is required to be released for completion of the balance work of the renovation work.

Upon hearing the parties and to cope up the disputes pending between the Mosque (Masjid) Development Committee and the Committee Mutawalli of the estate and as agreed upon by them, it is unanimously resolved that the remaining amount of Rs. 4, 00,000/- be released in favour of the Mosque Development Committee and the Committee Mutawalli is to submit an undertaking that they would withdraw the LA Case pending regarding the property of the estate.

Since the amount is lying in the fund of Waqf Estate, the Chief Executive Officer of the Board be impressed upon to take immediate steps so that such amount is released in favour of the Mosque Development Committee at the earliest for completion of the remaining/pending work of repair and renovation. Such work must be done under the strict supervision of the Assistant Engineer of the Board.

Action be taken in the decision without for confirmation in the next Board meeting.

Item No. 10 of the agenda: Brd./30.08.17**Ref: E.C. No. 12711****Dist -North 24 Parganas**

Re: To consider the prayer of Md Nawsad Ali for lease of wakf land for construction of English Medium School (Nursery-Class- XII) for the Minority Community in respect of **Takibunnesha Wakf Estate**

Decision

The parties along with their Ld counsels including Amiruddin Siddique are present on call. The matter is heard at length in presence of the parties and also in participation of some local people who are interested in the management and supervision of the estate. During hearing, it is learnt that there is a Masjid within the ambit of waqf property. It reveals that the estate was taken up under Direct Management following the Board's resolution dated 10-02-2015 and a Mosque Management & Supervisory Committee was formed in the Board meeting dated 09-04-2015.

It would appear that a proposal was made on 15-07-2016 by one Md Nawsad Ali on behalf of Rizia Bibi Foundation (Charitable Trust) asserting that as they are running one Bengali medium minority educational institution at a place under Police Station - Barasat, now they intend to have the entire area of such estate in question for establishing and running an English Medium School from Nursery to XII for the students belonging to minority community.

The matter was previously discussed in the chamber of the Hon'ble Chairperson on 31-08-2016 and it was finalized that the petitioner is to take up his proposal with Amiruddin Siddique who is in possession of the property. Some local people, who claimed to be the beneficiaries of the Masjid, in their turn, contended that in the event of allotment of such land for any other purpose, the interest and benefit of the local people will be seriously hampered. The villagers also emphatically urged that in any event, the waqf's desire must be allowed to be prevail.

Having heard the parties and after due deliberation and discussion, it is resolved that in order to mitigate the dispute now exists centering round the Masjid, it is unanimously resolved that all the Hon'ble Board members present this day in the meeting would pay a visit to the waqf estate with a view to have an idea about the location, importance and income of the property and its use for the benefit of the Masjid, the essential part of the estate. The visit of the Hon'ble Board members would be assisted by Alamgir Azad and Abdur Razzak, staff members of the Board.

It is further resolved that the date of enquiry be fixed on 12th October, 2017 (Thursday). On receiving the view of the Hon'ble Board members, let the matter be placed in the next Board meeting for consideration of the issue.

Action be taken in the decision without waiting for confirmation in the next Board meeting.

Item No. 11 of the agenda: Brd./30.08.17

Dist - Malda

Ref: N/C No. 124/66 (Misc. E.C. No. 4872)

Re: To consider the matter of compliance of the Judgment/ order dated 22.03.17 passed by the Hon'ble High Court in W.P No- 796 (W) of 2017 (Mrs. Shehnaz Quadery - Vs- State of West Bengal & Ors) in respect of **Sash Hazari Waqf Estate.**

Decision

The agenda as aforesaid is taken up for consideration. The matter relates to compliance of the order of the Hon'ble High Court passed in disposing WP No.796 (W)/17. Shehnaz Quadery belonging to group 'A' along with her Ld counsel is present on call, Bulbul Mirdha stands in 'B' group is absent on calls despite notice was issued to him. SkSuraj belonging to group 'C' is present and participates in the hearing. Incidentally, he alleged that he has not received any notice but on receiving telephonic information attends the hearing.

Since there is question of compliance of the order of the Hon'ble High Court, Calcutta, finding the materials on record, matter is taken up for hearing. Hearing is concluded. Sk Suraj, who ultimately participated in the hearing, is given liberty to submit his say in writing along with copy of the documents, on which he relies ~~on~~ within 10th September, 2017 so resolved in his presence and then the matter be placed for recording resolution as decided in this meeting.

CHAIRPERSON
BOARD OF WAKFS
WEST BENGAL

Item No. 12 of the agenda: Brd./30.08.17**Ref: E.C. No. 1476****Dist. Hooghly****Re. To consider the matter of appointment of Mutawalli in respect of Hazrat Shah Syed Chand Waqf Estate.****Decision**

The parties including their Ld counsels who are present on call are heard. At the conclusion of hearing, both the parties submitted a list of the persons selected by them inserting portfolios against the name of each of them for being appointing as mutawallis in respect of the estate.

Now, after due deliberation and discussion, it is unanimously resolved that a committee mutawalli consisting of the following dignitaries with the portfolios as noted against each of them be formed in terms of the spirit of Section 63 of the Waqf Act, 1995 for a period of five years or until further order whichever is earlier under the following terms and conditions:

Sl	Name	Portfolio
1	Sub-Divisional Officer, Hooghly (Sadar)	Ex-Officio President
2	Jb Md Shamim Qurashi	Secretary
3	Jb HaziAhad Box	Treasurer
4	Jb Md Abu Taher	Member
5	Jb Sk Taher	Member
6	Jb Sk Saidul Islam	Member
7	Jb Nazrul Islam	Member
8	Jb Abed Ali	Member
9	Jb SkAsgar	Member
10	Jb Md Altab	Member
11	Jb Kazi Azizul Haque	Member

It is resolved that Jb S.M Mortaza will act as the Adviser of the committee.

Terms and conditions:

- i) To open an account in any nationalized bank in the name of **Hazrat Shah Syed Chand Waqf Estate**.
- ii) The above account be operated by the Treasurer jointly with the Secretary
- iii) All transactions of income and expenditures of the estate be routed through the said account.
- iv) To pay arrear contribution, if any, definitely within one month from the date of communication of this the resolution.
- v) To submit the arrear statement of account, if any, definitely within one month from the date of communication of this the resolution.
- vi) To pay yearly contribution in the month of May each year.
- vii) To submit the yearly statement of accounts in the month of April each year.
- viii) To submit the Aadhaar card in respect of each of the members of the committee mutawalli appointed this day.

It recorded that as proposed S M Mortuza will act as Adviser of the Committee.

CHAIRPERSON
BOARD OF WAKFS
WEST BENGAL

Item No. 13 of the agenda :Brd./30.08.17**Ref: N/C No- 30/65 (E.C. No. 478)****Dist. Kolkata**

Re: To consider the matter of compliance of the Judgment/order dated 21.07.17 passed by the Hon'ble High Court in W.P No- 19246 (W) of 2017 (Md. Nizam - Vs- The Board of Auqaf, W.B &Ors) in respect of **Haji Ahmed Budhan Waqf Estate.**

Decision

The agenda as aforesaid being placed is taken up for consideration. The matter relates to compliance of the order of the Hon'ble High Court, Calcutta passed in disposing W P No.19246 (W) of 2017. There are several prayers of MdNizam presented before the board praying for being appointed as mutawalli in respect of the estate.

It appears that the matter was heard several times since 2013. Hearings were adjourned twice and once deferred and then parties were directed to submit written submission. In this way, the disposal of the matter could be dragged for these reasons together with reason of pendency of the matter before the Hon'ble High Court, Calcutta and the Ld Waqf Tribunal, West Bengal. However, the parties including their Ld counsels who are present on call are heard. Hearing is concluded. The parties are directed to present their written submissions within one week hence upon exchange of copy of the same to each other. As conceded by the parties, on completion of the process or in any event the final resolution be delivered.

None of the parties so far presented written submission as conceded by them in course of hearing. Since the matter is pending for years together, the Board decides to deliver the final resolution.

The file is placed for recording final resolution in the light of the materials made available therein and the submissions of the parties

The parties to this proceeding namely, Md Nizam and Md Jahir Alam being the descendants of the Waqif are claiming the post of mutawalli in respect of **Hazi Ahmed Budhan Waqf Estate** by presenting separate petitions. Both the parties, as desired by this Board, filed written submission in addition to their respective pleas and particulars on which they rely.

It is not under dispute that the Waqf estate in question could be created on the basis of a registered deed dated 07-04-1920 by Haji Ahmed Budhan classifying it as Waqf-al-al-Aulad with certain terms and stipulations for utilization of the income of the waqf assets. In the said deed the rule of succession of mutawalli has clearly been laid down. It is stipulated therein that the Waqif will be first mutawalli during his lifetime and his eldest son namely Ahmed Yasin will be the Naib mutawalli. On his death, his wife and thereafter on her demise, his son and grandsons would be mutawalli on seniority basis. Md Nizam the petitioner herein claims himself to be

CHAIRPERSON
BOARD OF WAKFS
WEST BENGAL

the senior most grandson of Waqif, presenting his right of mutawalliship in respect of the estate.

It reveals from the file that Md Jahir Alam was appointed as mutawalli temporarily for a period of 5 years pursuant to the resolution dated 18-04-2007 and the tenure of such mutawalliship has already expired. Such hearing of appointment was commenced ex-parte as Md Nizam did not participate in the said proceeding. Md Nizam by presenting fresh petition intends to have an order of the Board for being appointed as mutawalli in respect of the estate wherein he puts forward series of allegations as to the performance of Md Jahir contending inter- alia that taking the advantage of his position he himself and others belonging to his group managed to alienate a valuable part of Waqf property violating the terms of the Waqf deed, behind their back and without the permission of the Board. Again he mismanaged the entire estate by using the same for his personal gain which actually disqualified him to be mutawalli regarding the estate.

It is well recognized that the deed of Waqf being the Prime Document plays a vital role in the matter of administration, ^{of waqf estate} preservation and appointment of mutawalli. In the present case, as it has already been pointed out, there are clear guidelines in the said deed as to selection and appointment of mutawalli. Undisputedly, the parties are grandsons of the Waqif. It is worthy to point out that in the deed of Waqf it has clearly been depicted that if at any point of time any mutawalli mismanages or works against the interest and destroys or alienates any portion of the Waqf property and fails to act in accordance with the terms laid down in the Waqfnama, he will be liable to be expelled from the mutawalliship.

From the genealogical table submitted by the applicant Md Jahir Alam with his signature it is clear that Md Nizam, the other applicant is elder than him. From this score and as per the stand point of the spirit of the deed of Waqf, Md Nizam is eligible to be appointed as mutawalli of the estate but fact remains that there are allegations against him for misappropriation and misuse of a part of the Waqf property by way of alienation and thereby he has lost the right to be appointed as mutawalli in terms of the stipulation of the deed and in the light of the spirit of Sec. 64 of Waqf Act, 1995. It is abundantly clear that Md Nizam with a view to meet his own requirement disposed of the property of the estate in the year 1979 and used the sale proceeds for meeting his own requirement other than the interest of the estate. Such fact has been established by the copy of the deed made available on record. Although, he pleaded that such property was once recorded in the

CHAIRPERSON
BOARD OF WAQFS
WEST BENGAL

Corporation's record as secular and he along with his mother and others transferred the same but subsequently after coming to know the status of such property as waqf one has already taken steps to get it done for bringing the same to the ambit of Waqf estate but such act cannot help him to get rid of the mischief committed by him. Further, The tenants who are in occupation of the premises belonging to such waqf property are now paying rent to the mutawalli, but in order to substantiate such claim he has failed to place any documents. That apart, on allegation of making forged documents by duplicating seal and signature of the Board and the officer of the Board, a criminal case was launched against him in which he has been convicted and accordingly been awarded with punishment.

Sec. 64 of the Waqf Act, 1995 mandates that certain acts contemplated and done contrary to the interest of the Waqf estate would itself disqualify a mutawalli and he is put to removal only on that score. In the present case, as we have already indicated, Md Nizam although not being appointed as mutawalli by his own act and for his own interest alienated a valuable portion of the Waqf estate in contravention of the provision of the Waqf Act and terms of the deed and thereby he is disqualified to be mutawalli. That apart, the other part of his performance as to making forged document by duplication of seal and signature of the Board put him to such a situation wherein he cannot be found to be eligible for the post.

At the risk of repetition it should be introduced that there is a specific stipulation in the deed of Waqf that if any mutawalli acts contrary to the interest of the estate and violates any chapter of the conditions laid down therein for his own interest he will be deemed to be disqualified to be a mutawalli and thus liable to be expelled therefrom.

Further, it is made clear from the file that the petitioner MdNizam was in judicial custody in connection with a case registered with Narkeldanga Police Station u/s 419/420/417 IPC of GR-2827/97 on allegation of making forged signature of former Commissioner of the Waqf Board and counterfeiting the official seal and charge sheet has been submitted against him. As such this part of his alleged conduct and performance as to making forged document by duplication seal and signature of the Board put him to such a situation that he cannot be found to be eligible for the post of mutawalli.

As it is already introduced, Jahir Alam is related to the family of the Waqif and he is proved to be in the line of grandson of the Waqif. Admittedly, there is clear line of stipulations for appointment of mutawalli from amongst the descendants of

Waqif on seniority basis. While this applicant Jahir Alam in presenting the Genealogical Table with his signature in the petition dt.05.09.1995 shows that Md Nizam being the grandson of the Waqif is senior to him it is resolved that he should not be appointed as mutawalli at this stage. Further, the file gives clear indication that during tenure of his mutawalliship, taking the advantage of his position, he managed to induct tenants in some parts of the Waqf property illegally and collected rent from some of the them. There are substances to prove that he permitted to make some illegal constructions in the area of the Waqf property and managed to deliver the possession of the same taking salami from them, but that has not been shown in the account of the estate. Further, the substantive part of materials goes to show that these imputations of allegations are not untrue and baseless.

It is worthy to note that his status of temporary mutawalli resolved by the Board in respect of the estate in terms of section 63 of the Waqf Act, 1995 on ex-parte hearing would not ipso facto qualify or help him in any manner to come to the picture of mutawalli in as much as in that event there would be clear violation of the dictum of the deed as to seniority and while he is guilty of violation of the principles as laid down regarding mismanagement of the esteemed terms and conditions of the Waqif. Furthermore, in the four corners of the deed of Waqf there is no rule of succession that if the persons senior in age by reason of his disqualification is not able to come to the picture for being appointed as mutawalli the next senior most in relation to age will not get the preference for being appointed as mutawalli of the estate. It is worth mentioning that it is the settled position of law that the terms and conditions as incorporated in the deed of waqf, in any circumstances, are required to be given priority and the entire matter has to be adjudicated in terms of the spirit of such deed. In the decisions reported in **AIR 1984 326 (Mt. Aziza Khatun and others -Vs- State of West Bengal)** and **AIR 2009 Allahabad 62 (Moulavi Abdul Rahaman Siyai -Vs- Sardar Maqbool Hasan & Ors.)** these principles have been settled. It has also been settled there in the said decisions that the powers of the Wakf Board are not absolute regarding appointment of mutawalli. The Board is under the obligation to follow directions of the wakif as contained in the Wakf Deed. Considering all these and keeping in view of the entire propositions made available on record and in the deed of Waqf, the Board after due deliberation and discussion accepts none of the applicants to be fit to be appointed as mutawalli in respect of the estate.

CHAIRPERSON
BOARD OF WAKFS
WEST BENGAL

It is really worthy to point out that the Waqf estate in question is running without mutawalli in consequence of which it has been suffering from serious loss as to the income. The beneficiaries are deprived of having the legal benefits out of the income of the assets of the estate. Owing to inadequate supervision the preservation and management of the Masjid situated in the area of the estate remains unattended as to its adequate service. The total assets are not being preserved properly in consequence of which the worshippers attending their religious practice are facing enormous difficulties.

Thus, consideration being had to the terms and conditions of the deed of Waqf, situations made available on record as indicated above, conduct and performance of the concerned parties, keeping in view of the inconvenience of the religious persons attending the Masjid for practicing their religious observance together with the total interest of the estate and preservation as also maintenance of the Masjid standing in the area of the Waqf estate and as no other claimant being eligible coming before the Board for being appointed as mutawalli in respect of the estate, it is unanimously resolved that the **Hazi Ahmed Budhan Waqf Estate** be assumed under direct management of the Board for a period of three years in terms of the spirit of section 65 of the Waqf Act, 1995. The office be directed to take steps immediately so that the legal formalities as mandated in this regard and as provided in Section 65 of the Waqf Act, 1995 as also related rules are observed without any least delay.

Item No. 14 of the agenda: Brd./30.08.17

Ref: E.C. No. 3951

Dist. Kolkata

Re. To consider the prayer of Jb. Abdus Salam & 3 Ors, Joint mutwalli regarding permission (NOC) for installation of Hoarding on the roof of premises no. 21A, Nasiruddin Road, Kolkata- 17 in respect of **Sk Kalimuddin Waqf Estate**.

Decision

The agenda as aforesaid being placed is taken up for consideration. Out of the petitioners namely, Abdus Salam, Asad Ali, Mst. Jobeda Khatoon and Qutubul Islam who are the joint mutawallis only Qutubul Islam is present on call and he is heard. In the circumstances as described in the petition, after due deliberation and discussion, the mutawallis are accorded with the permission to allow installation of hoarding to be displayed by M/s Enkon Pvt Ltd on the roof of the building of premises No. 21A, Nasiruddin Road, Kolkata-700017, a part of the waqf property. It is recorded that an agreement in this regard be entered into by and between them, if not done meanwhile. A copy of the same be made available to the Board forthwith.

The mutawallis be directed to show the income of Rs. 20,000/- per year as agreed upon in the statement of account in addition to the income of the estate for proper

CHAIRPERSON
BOARD OF WAQFS
WEST BENGAL

calculation of waqf contribution. They be further directed to inform the Board if there is time-to-time enhancement of the income immediately thereto for displaying of the hoarding.

Item No. 15 of the agenda:Brd./30.08.17

Ref: E.C. No.11462 & E.C No-14647

Dist. Malda

Re: To consider the matter of Plot no- 20, Kh No- 367 Mouza- Shyampur, nature Bagan, P.S- Englishbazar, for inclusion with E.C No- 11462 deleting it from the E.C No- 14647 (as per waqf name dated 23.12.1954 executed by Sabdul Kabiraj) in respect **Diljan Mia & Julmat Mia** Waqf Estate.

Decision

The parties belonging to two groups interested in this proceeding including their Ld counsels are present on call and they are heard. The matter relates to disposal of the petition dated 31.08.2015 filed by Ataur Mia, Secretary of Amirity Momin Tola Jumma Masjid.

The hearing of the parties together with materials and documents including the deed dated 29-12-1954 made available on records, goes to show that a Masjid is existing in the village in the name of Amrity Village Mosque. Rashida Bewa being the waqif, donated certain land in the name of the said Masjid. Further, Diljan and Julmat Mia by a deed brought in existence on 25-09-2015 made waqf of 83 decimals and 80 decimals of land in the name of Jumma Masjid of the said village which could be included in the list of the waqf property of EC No. 11462.

Subsequently, one Sabdul Kabiraj made a deed of waqf on 29-12-1954 offering the land of plot No.20 appertaining the Kh. No. 367 of Mouza Shyampur classification of which is Bagan measuring an area of 2.37 acres stipulating that the income of said property claimed to be used in the interest of Amirity Jumma Masjid and it was enrolled under EC No. 14647.

The substance of prayer of the Secretary of Amrity Momin Tola Jumma Masjid is nothing but to have inclusion of 2.37 acres of land with the waqf estate runs in the name of Amrity Mominpara Juma Masjid. Facts remain that there are having two enrolment numbers and having separate mutawallis for running the administration of each of them. In the event of inclusion of the property as prayed for by the Secretary of Amirity Momin Tola Jumma Masjid, the very identity of both the estates would be in crisis so also the service rendering by both the entities towards the Muslim community at large will be prejudiced.

Keeping in view of the these situations and giving due regard to the desire of the waqfis, the Board after due deliberation and discussion, unanimously resolves that the prayer of inclusion of the property as desired , cannot be conceded to and accordingly it is rejected.

Item No. 16 of the agenda:Brd./30.08.17

Ref: E.C No. 2882

Dist. Kolkata

Re. To consider the letter dated 16.08.17 by M. Abul Hasan regarding tenancy matter in respect of **Subid Ali & Bros Waqf Estate**.

Decision

The Ld counsels representing the parties are present on call. M. Abul Hasan, Mozibur Rahman Molla & Nasim Ali are absent on calls. The prayer dated 16.08.17 presented by M. Abul Hasan, the tenant belonging to the estate is taken up for consideration. Since the petitioner has not turned up, the matter as referred to cannot be heard and disposed of, accordingly it is dropped for the present. However, the tenant is at liberty to take up his problem with the mutawalli and his brothers for amicable settlement, if so intended.

Item No. 17 of the agenda: Brd./30.08.17

Ref: E.C No. 1181

Dist. Malda

Re: To consider the matter of appointment of Mutawalli and inclusion of property in respect of **Kalu Mohd. Chowdhury Waqf Estate.**

Decision

The matter relates to appointment of mutawalli in respect of the estate and inclusion of property measuring 23 decimals, the details description of which is given in the prayer. The matter is taken up for hearing. It is heard. Badruzzaman Chowdhury claiming to be the paternal grandson of the waqf comes forward for being recorded as mutawalli in respect of the estate. On the contrary, Sarwar Hossain Chowdhury claims that he being the descendent of the waqf and eldest one possessed of graduate degree is entitled to be appointed as mutawalli.

The record goes to show that the waqf estate is having huge property measuring 23861.65 acres but in fact it is only having possession of over 4292.78 acres and the remaining area of 19568.87 acres is under prajabili. In fact, the details of such property are not made available.

Now, in the light of the propositions on record and after due deliberation and discussion, it is unanimously resolved that the parties be directed to submit the status of such huge property to the Board. On placement of such status, let the matter do come in the next available Board meeting for consideration of the issue of appointment of mutawalli and inclusion of the property.

Item No. 18 of the agenda: Brd./30.08.17

Ref: E.C No. 1578

Dist. Kolkata

Re: To consider the matter of inclusion of property and appointment of Mutawalli in respect of **Momtazuddin Waqf Estate.**

Decision

The parties who are present on call are heard. Kamrun Bibi coming forward before the Board for being appointed as mutawalli in respect of the estate claiming herself to be the daughter of Sk Faizul Islam since deceased, last mutawalli. Further, Sk Abdur Rahim and Md Imranuddin Siddique are intending for being appointed as mutawalli of the estate.

In considering the matter of inclusion of the property as proposed by Faizul Islam received by the office on 07.12.2012 under D.E. No. 11235, upon hearing the parties and in the light of the materials made available in the file, it is unanimously recorded that the property described as Premises No. 9 Market Street, Kolkata 700087, incorporated in the waqf deed, be included in the list of waqf property accordingly. Office to do the needful so that the entire description of the same is incorporated in the Register of Waqf as provided by section 37 of the Waqf Act, 1995.

In course of hearing whenever the parentage of Kamrun Bibi is seriously disputed, it is unanimously resolved that before appointment of mutawalli of the estate, an enquiry be

CHAIRPERSON
BOARD OF WAQFS
WEST BENGAL

conducted by a team of Hon'ble Board members consisting of Jb. Haji Nurul Islam, Jb Sheikh Anis-El-Huq and Jb. Ansar Mondal to be assisted by the concerned staff member dealing with the file regarding the issue of parentage of Kamrun Bibi and report be submitted within fifteen days sharp from the date of communication of the resolution. On receiving the report, the matter of appointment of mutawalli of the estate be placed in the immediate Board meeting for consideration in the interest of the estate and the beneficiaries at large.

Administrative

Item No. 19 of the agenda: Brd./30.08.17

Ref: File No. 7A-2/W-91 (Syed Abtahi Alam)

Re: To consider the prayer of Jb. Syed Abtahi Alam, Record Supplier, for promotion to the post of Lower Division Clerk, Board of Auqaf, West Bengal.

Decision

In considering the prayer of the incumbent Syed Abtahi Alam, now attached to this Board, as Record Supplier, it could be learnt that there is no adverse report against him. While his service is found to be satisfactory, it is unanimously resolved that he be promoted to the post of Lower Division Clerk from the date as provided by the provisions laid down in the West Bengal Service Rules Part-1 as amended up to date.

Item No. 20 of the agenda: Brd./30.08.17

Ref: File No. 9P-1/W-2008 (Promotion)

Re: To consider the prayer of Jb. Mohabul Haque, Head Clerk, Board of Auqaf, W.B for promotion to the post of Section Officer, Board of Auqaf, W.B.

Decision

The agenda being placed is taken up for consideration. The matter relates to consideration of the prayer of Mohabul Haque, now working as Head Clerk, for his promotion to the post of Section Officer. Since, his Service Book goes to satisfy that he has become eligible for being promoted to the next higher post and as there is no adverse report against him, it is unanimously resolved the incumbent be promoted to the post of Section Officer from the date as provided by the provisions laid down in the West Bengal Service Rules Part-1 as amended up to date.

Item No. 21 of the agenda: Brd./30.08.17

Ref: File No. 7A-3/W-83 (Hamid Adil Ansari)

Re: To consider the prayer of Jb. Hamid Adil Ansari, Accountant, for promotion to the post of Head Clerk, Board of Auqaf, West Bengal.

Decision

While the agenda as aforesaid is placed for consideration, it is discussed at length keeping in view of the length of service the incumbent. While his service is found to be satisfactory as per the elements made available in his Service Book and as there is no adverse report against him, it is unanimously resolved that Hamid Adil Ansari now working as Accountant be promoted to the post of Head Clerk with effect from the date as provided by the provisions laid down in the West Bengal Service Rules Part-1 as amended up to date.

CHAIRPERSON
BOARD OF WAKFS
WEST BENGAL

Item No. 22 of the agenda: Brd./30.08.17**Ref: File No. 16L-1/W-98 (Loan File)**

Re: To consider the prayer of Jb.Md. Azizur Rahaman, Peon, Board of Auqaf, W.B praying for granting loan of Rs. 3,00,000/- (Rupees three lacs) only for the purpose of Marriage Ceremony of his daughter.

Decision

While the prayer of Md Azizur Rahaman, a regular and permanent staff member of the Board for awarding loan of Rs. 3,00,000/- (Rupees three lacs) only for meeting the incidental expenditure of Marriage Ceremony of his daughter is taken up for consideration, it is discussed at length with reference to the need of the petitioner. It is experienced that marriage of daughter of a person in the present social system has become really expensive. Fact remains that the Board by a resolution adopted earlier on 26-04-2017 under Administrative: 03 of agenda: M&E: (Brd./26.04.17) that in order to avoid financial difficulty of the Board, awarding loan to any staff shall be stopped until further order.

While the need of the petitioner for having loan is to discharge the duty as a father and as he happens to be a permanent and regular staff whose date of retirement is 30-04-2024, the Board is of the view that in the situation considering the case of the petitioner as a special one in relaxation of the resolution adopted by this Board on 26-04-2017 under Administrative: 03 of agenda: M&E: (Brd./26.04.17), he should be granted loan.

Accordingly, after due deliberation and discussion, it is unanimously resolved that a loan of Rs. 3, 00,000/- (Rupees three lakh) only be released to Md Azizur Rahaman from the Waqf Fund with the condition to repay the same at a monthly installment of Rs.5000/- and to be paid and deducted from his salary from the month next to the preceding month of disbursement of the loan and to be continued to be deducted till its full repayment. In case of failure of payment of the same in the manner as stated above, the same or rest if any be realized from his retirement benefit.

Action be taken in the decision without waiting for confirmation of the same in the next Board meeting.

Item No. 23 of the agenda: Brd./30.08.17**Ref: File No.**

Re: To consider the matter of providing some financial benefit to the meritorious students of the Hostels of Waqf Board, West Bengal.

Decision

The matter is discussed in the Board meeting. In order to inspire the poor and meritorious boarder of the Boys' and Girls' Hostel of Waqf Board situated in different districts of West Bengal, it is felt expedient and proper to allow them a token sum of Rs. 1500/- and Rs. 2000/- respectively out of hostel fund for the students who have secured 60% and 70% marks respectively in their Part-I and Part-II (Hons) examinations as the case may be.

Chairperson
BOARD OF WAKFS
WEST BENGAL

It is accordingly resolved that henceforth and until further order, the Hostel boarders will be given the token money as indicated above subject to their report of good behaviour from the Hostel Superintendent in-charge. This decision is confirmed without placing in any future Board meeting. This may be communicated to the Superintendents of all the Hostels.

Item No. 24 of the agenda: Brd.(M&E)/30.08.17

Ref: E.C. No. 14510

Dist -Burdwan

Re: To consider the matter of appointment of Mutawalli in respect of **Durgadanga Mosque Waqf Estate.**

Decision:

For the reason of non-availability of file, the matter relating to appointment of Mutawalli in respect of the estate could not be disposed of in the meeting dated 27-07-2017 although it was heard in presence of the party and then it is placed this day for recording resolution.

The record reveals that the last recorded mutawalli, Idris Mondal expired meanwhile and his son, Md Saidul Islam Mondal comes forward with his prayer dated 10-03-2015 for being appointed as mutawalli. Now, after due deliberation and discussion, it is unanimously resolved that the name of the petitioner be recorded as mutawalli in respect of **Durgadanda Jama Masjid Waqf Estate** in terms of the spirit of the provision of Section 3 (i) of the Waqf Act, 1995 under the following terms and conditions:

Terms and conditions:

- i) To open an account in any Nationalized Bank in the name of **Durgadanda Jama Masjid Waqf Estate**, if not opened earlier.
- ii) The said account be operated by the mutawalli himself.
- iii) All the income and expenditures must be routed through the said account
- iv) To deposit yearly waqf contribution in the month of April each year
- v) To submit the yearly statement of account in the month of May each year
- vi) To submit voter Identity card within 15 days from the date of communication of the resolution.
- vii) To pay the arrear waqf contribution, if any, definitely within the month of October, 2017.

Item No. 25 of the agenda: Brd.(M&E)/30.08.17

Ref: E.C. No.

Re: To consider the matter of recording appropriate resolution for serving the copy of all the report of enquiry to the Hon'ble Board members as also to the parties who are coming forward to have the copy of the same on proper application.

Decision:

It is discussed during the course of hearing that the enquiry report of any particular estate is not made available to the concerned party as well as the Board members. The Hon'ble members are of the agreeable view that the enquiry report should be circulated among the Board members and the concerned parties.

Item No. 26 of the agenda: Brd.(M&E)/30.08.17**Ref: EC No.14099****Dist. North 24 Parganas**

Re: To consider the matter of appointment of mutawalli in respect of **Pir Gorachand Pir Waqf Estate.**

Decision:

The agenda as aforesaid being placed is taken up for consideration for renewal of the tenure of the previous committee mutawalli appointed by the Board by its resolution dated 29-03-2012 but the record reveals that a separate petition dated 25-07-2017 presented by Sk Iqbal Jakaria and 12 others for being appointed as mutawalli in respect of the estate is pending. Notice of this hearing is seen to have not been issued upon them.

In the circumstances, considering the urgency of the issue and in the interest of the estate, it is unanimously resolved that the previous committee be allowed to continue to act till further decision.

Item No. 27 of the agenda: Brd.(M&E)/30.08.17**Ref: EC No. 5367****Dist. Kolkata**

Re: To consider the matter of holding local inspection regarding the state of affairs in respect of **Amiruddin Waqf Estate.**

Decision:

The agenda as aforesaid being placed is taken up for consideration. The record together with the memorandum of prayer dated 09-08-2017 makes it clear that there are allegations against the mutawallis, namely Syed Nesar Ali and Syed Rahmat Ali as regards mismanagement of waqf estate and misappropriation of waqf fund of the estate.

In the circumstances, in order to have a clear idea about such allegations, it is unanimously resolved that an enquiry be conducted by a team of Hon'ble Board members consisting of (i) Jb A Z Khan, (ii) JbAnis-El-Huq and (iii) Haji Nurul Islam to be assisted by the concerned staff member, dealing with the file within fifteen days from the date of communication of the resolution and report be submitted within one week therefrom.

Item No. 28 of the agenda: Brd.(M&E)/30.08.17**Ref:**

Re: To consider the matter of discontinue of leakage of income by way of TDS @ 10% so accumulated in the fixed deposits in the form of interest.

Decision:

Of late, it comes to the notice of the Board of Auqaf, West Bengal that by reason of lapse and improper management, huge amount is being drained in the form of tax deduction at source (TDS) from the fixed deposits made in different banks in the name of the Board. Since this board is a social organization, rendering service to the Muslim

CHAIRPERSON
BOARD OF WAKFS
WEST BENGAL

community at large particularly, downtrodden people, such amount is required to be saved by adopting proper process.

Thus, after due deliberation and discussion, it is unanimously resolved that the Accounts Officer of the Board be directed to take steps so that a detailed list of Fixed Deposits in respect of all the sections, namely, Board Section, Hostel Section and Direct Management Section opened and maintained in the name of the Board be prepared and immediate measures be adopted so that the entire matter is brought to the notice of each of the banks holding the accounts requesting them to refrain themselves from deducting Income Tax at source in respect of concerned account. In this regard, a legal practioner having knowledge about tax matter be employed for doing the needful.

It is recorded that this system is to be continued and to be carried into effect in each financial year by making independent prayers so that necessary relief can be availed of continuously. Jb G I Mondal, Retired Senior Bank personnel, now working as Officer on Special Duty in the Board who brought the matter to the notice of the Board be engaged to supervise the entire process till further decision.

Action be taken without waiting for confirmation of the same in the next Board meeting.

Item No. 29 of the agenda: Brd.(M&E)/30.08.17

Ref: EC No. 1084

Dist. Kolkata

Re: To consider the matter of appointment of mutawalli in respect of **Panchkari Waqf Estate.**

Decision:

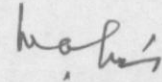
The agenda as aforesaid being placed is taken up for consideration. The petitioners whose names are given below along with two others were appointed as mutawallis in respect of the estate for a period of six months by Board resolution dated 14-03-2012, such period has already expired. As prayed for by the petitioners for being appointed as mutawalli, upon hearing them and after due deliberation and discussion, it is resolved that they be re-appointed as mutawallis in respect of **Panchkari Waqf Estate** for a period of five years or until further order whichever is earlier in terms of Section 63 of the Waqf Act, 1995 under the following terms and conditions:

Sl	Name	Address	Portfolio
1	Ayub Kolia S/o-Late Ismail Kalia	5B, Rajmohan Street, Kolkata-700073	President
2	Fazle Haque S/o-Late MdYasin	297/1, A P C Road, Kolkata-700009	Secretary
3	Abdul Majeed S/o-Late Abdur Rashid	Rashid Cap, 69, Rabindra Sarani, Kolkata-73	Treasurer

CHAIRPERSON
BOARD OF WAKFS
WEST BENGAL

Terms and conditions:

- i) To open an account in any Nationalized Bank in the name of **Panchkari Waqf Estate**, if not opened earlier.
- ii) The said account be operated by the Treasurer jointly with the Secretary.
- iii) All the income and expenditures must be routed through the said account
- iv) To deposit yearly waqf contribution in the month of April each year
- v) To submit the yearly statement of account in the month of May each year
- vi) To submit voter Identity card within 15 days from the date of communication of the resolution.
- vii) To pay the arrear waqf contribution, if any, definitely within the month of October, 2017.



Justice Md Abdul Ghani
Chairperson
Board of Auqaf, West Bengal.

CHAIRPERSON
BOARD OF WAKFS
WEST BENGAL