

Resolution of the Board's 16th (ME-4th) Meeting held on 12.12.17 at 11.30 A.M onwards in the Office of Board of Auqaf, West Bengal, 6/2, Madan Street, Kol-72.
The following members are present:

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|----------------------------------|-----------------|
| 1. Justice Md Abdul Ghani | ... Chairperson |
| 2. Jb. Affakuzzaman Khan | ... Member |
| 3. Jb. Sheikh Anis-El-Huq | ... Member |
| 4. Jb. Syed Nurur Rahman Barkati | ... Member |
| 5. Jb. Abu Taher Khan | ... Member |

Official present:

Jb. Mufti Samim Sawkat, 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: Brd.(M&E)/12.12.17

Ref: E.C. No. 119

Dist. Malda

Re: To consider the matter of appointment of mutawalli in respect of **Shaikh Khairullah Haji Waqf Estate.**

DECISION

The parties including their Ld. Counsels who are interested in this proceeding are present on call and they are heard. The matter relates to consider the matter of appointment of mutawalli in respect of the estate. The instant estate is enrolled classifying it as waqf other than waqf al-alaulad (public). The Masjid existing within the same is the beneficiary.

The earlier mutawalli Nurul Islam Shekjee is alleged to have misused and mismanaged the waqf property and its income during his tenure. Even he failed to furnish the statement of account of the income and expenditure for the period of his tenure and thus he is established to be guilty of misuse and mismanagement of the estate.

Majedur Rahaman, one of the joint applicants for being appointment as mutawalli, has been able to justify that he along with others has taken charge of the estate and raised the income of the estate to a considerable extent during their short tenure of management. They maintained accounts and submitted the same retaining more or less of Rs.4, 25,000/- as income after meeting the necessary expenditure.

That apart, while the prayer of Majedur Rahaman and other dignitaries for formation of a committee mutawalli in respect of the estate is supported by the resolution of the local people, after due deliberation and discussion, it is unanimously resolved that a committee mutawalli consisting of the following members whose names are given below be formed in respect of **Shaikh Khairullah Haji Waqf Estate** for a period of five years in terms of Section 63 of the Waqf Act, 1995 with the following terms and conditions:

Sl	Name of the member	Official Status	Portfolio
1	Md Sharif Sk, S/o Late Kalu Sk	Saradapalli, Malda	President
2	Md Tafikul Sk, S/o Md Altaf Hossain	Saradapalli, Malda	Vice President
3	Majedur Rahaman, S/o Abdus Samad Ali	Saradapalli, Malda	Secretary
4	Sadikul Haque, S/o Late Mozammel Haque	Saradapalli, Malda	Asstt Secretary
5	Salim Sk, S/o Motahar Sk	Saradapalli, Malda	Treasurer
6	Firoj Sk, S/o Late Abdul Basad	Saradapalli, Malda	Asstt Treasurer
7	Mahibar Biswas	Saradapalli, Malda	Adviser

Terms & Conditions

- To open an account in the name of **Shaikh Khairullah 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 one month from the date of communication of the resolution.
- To submit the yearly statement of accounts definitely within May each year.
- To submit Voter Identity Cards of each of the committee members within fifteen days from the date of communication of the resolution

Item No. 02 of the agenda Brd.(M&E)/12.12.17

Ref: E.C. No. 4202

Dist. Burdwan

Re: To consider the matter of appointment of mutawalli in respect of Sk. Safayetullah Waqf Estate.

DECISION

Munshi Khairul Islam, the last mutawalli accompanied by his Ld. Counsel is present on call. The other two groups consisting of Monirul Islam and Munshi Saidul Islam are alleging misappropriation of the waqf fund and the waqf property by Munshi Khairul Islam. They come forward with the prayer supported by an affidavit sworn in before the Notary Public for having their names recorded as mutawallis in respect of the estate. The local villagers namely, Munshi Abdul Moyed and 52 others made prayer for approval of a committee mutawalli supported by a resolution of the villagers. Both groups themselves claiming to be the direct descendants of the waqif.

There are materials to show that the present mutawalli filed several criminal cases. That apart, at his instance two proceedings have been initiated against some of the petitioners under Section 144 Criminal Procedure Code on some issues in regard to the waqf estate.

Now, keeping all the aspects in consideration and after due deliberation and discussion, it is unanimously resolved that the present mutawalli be advised to withdraw all the pending criminal cases and the opposite parties, in turn, unlock the room in which the mutawalli used to reside with his family members and other belongings.

However, in order to avoid all complications, it is also resolved that an enquiry be conducted by Jb. Shabir Ahmed, Officer on special duty of this Board to be assisted by Md. Moinuddin, staff member of the Board on the point as noted herein below in respect of the Estate within a fortnight from the date of communication of this resolution and the report be submitted within fourteen days therefrom.

1. Status of the property of the waqf estate.
2. The present condition of the Masjid existing within the area of the estate.
3. Income and expenditure of the estate during the tenure of Munshi Khairul Islam the mutawalli.

It is further resolved that the allegation of misappropriation of waqf property made against the mutawalli be dealt with separately in terms of the spirit of the provision of Waqf Act, 1995 in the interest of the estate and for the betterment of the beneficiaries,

Item No. 03 of the agenda Brd.(M&E)/12.12.17

Ref: E.C. No. 8111

Dist - Dakshin Dinajpur

Re: To consider the matter of appointment of mutawalli in respect of Serpur Jumma Masjid Waqf Estate.

DECISION

The parties including their Ld. Counsels who are present on call are heard. As proposed and placed the resignation tendered by Sarifuddin Ahmed, the present mutawalli on ground of his suffering from paralysis be accepted. The hearing of the parties and materials made available in the file together with the report of enquiry submitted by Jb Mohabul Haque, Inspector of the Board goes to justify that the mutawalli is guilty of misuse and mismanagement of the waqf estate. He is also guilty of alienation of waqf property. That being the situation, it is unanimously resolved that necessary proceedings under Section 52A of the Waqf Act, 1995 be initiated against, Sarifuddin Ahmed, the mutawalli, since retired.

Now, keeping in view of the interest of the estate and to avoid all complications and for smooth running of the estate, it is further resolved that the petitioners whose names are given below, be appointed as mutawallis in respect of **Serpur Jumma Masjid 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 and father's name	Address	Portfolio
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1	Humayun Kabir S/o Late Faijur Rahaman	Vill-Barail, PO-Buniadpur, PS-Banshihari, Dakshin Dinajpur	President
2	Julfikar Ali S/o M V Fasiuddin Ahamed	Vill & PO-Buniadpur, PS-Banshihari, Dakshin Dinajpur	Working President
3	Reajul Islam S/o Late Taleb Ali	Vill-Khusipur, PO-Buniadpur, PS-Banshihari, D/ Dinajpur	Vice President
4	Abdul Hakim Miah S/o	Vill-Rangapukur, PO-Buniadpur PS-Banshihari, D/ Dinajpur	Secretary
5	Sainul Azad S/o Anowar Hossain	Vill-Serpur, PO-Buniadpur, PS-Banshihari, Dakshin Dinajpur	Joint Secretary
6	Saifuddin Ahamed S/o Tafiluddin Ahamed	Vill-Khusipur, PO-Buniadpur, PS-Banshihari, D/ Dinajpur	Treasurer
7	Aftabuddin Ahamed S/o Late Faijur Rahaman	Vill-Lalpur, PO-Buniadpur, PS-Banshihari, Dakshin Dinajpur	Member
8	Matiur Rahaman S/o Late Faiju Rahaman	Vill-Barail, PO-Buniadpur, PS-Banshihari, Dakshin Dinajpur	Member
9	Raju Ahamed S/o Ebaruddin Ahamed	Vill-Sayestabad, PO-Karkha, PS-Banshihari, D/ Dinajpur	Member
10	Ramjan Ali S/o Jainul Haque	Vill-Khusipur, PO-Buniadpur, PS-Banshihari, D/ Dinajpur	Member
11	Mijunur Azad S/o Anowar Hossain	Vill-Khusipur, PO-Buniadpur, PS-Banshihari, D/ Dinajpur	Member

Terms & conditions:

- To open an account in the name of **Sherpur Jumma Masjid 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 one month from the date of communication of the resolution.
- To submit the yearly statement of accounts definitely within May each year.

The amount of Rs. 4900/- as waqf contribution so lying due is paid today vide receipt No.6225 dated 12-12-17. The copy of the Voter Identity Cards of each of the committee members so filed this day be kept with the record.

As there is allegation against Sarifuddin Ahmed as to illegal transfer of waqf property and recording his/their name/names in the concerned Record of Rights as to waqf property, the Chief Executive Officer of the Board be impressed upon to take steps in accordance with law for correction of entries of such Record of Rights. The mutawallis,

appointed this day are to submit the copy of the present record of rights regarding such property to the Board so that he may take immediate action in the matter.

Item No. 04 (a) of the agenda Brd.(M&E)/12.12.17

Dist - Burdwan

Ref: E.C. No.3313 (Supl)

Re: To consider the letter dated 15.11.17 of Ahsan Waris (Bulbul) a member of the present Committee mutawalli for allotment of a post of the said committee so that he may administer the property of **Pirbaharam Waqf Estate**.

DECISION

The agenda as aforesaid while placed along with the letter dated 15.11.17 submitted by Ahsan Waris (Bulbul), a member of the present mutawalli committee in respect of **Pirbaharam Waqf Estate** for allotment of a post of such committee to him so that he may administer the waqf estate properly with other members, is taken up for consideration.

Having heard him, and after due deliberation and discussion, it is unanimously resolved that the petitioner be empowered to act as Joint Secretary of the committee so that he can administer the waqf estate properly with other members. It is also resolved that he be empowered specially to organize annual milad sharif within the waqf estate. The resolution dated 02-02-2016 adopted under item No. 04 of the agenda of the Board meeting is modified to this extent.

Item No. 04 (b) of the agenda Brd.(M&E)/12.12.17

Dist - Burdwan

Ref: E.C. No.3313 (Supl)

Re: To consider the prayer of Sahabuddin Khan, Secretary the committee mutawalli for release of balance amount of Rs. 2, 28,479/- out of Rs. 3, 31,472/- lying the waqf fund in respect of **Pirbaharam Waqf Estate**.

DECISION

The agenda while placed, it is discussed in the light of the need so reflected in the prayer dated 05-10-2016, received by this office under DE No. 12095 from the Secretary of committee mutawalli of **Pirbaharam Waqf Estate**. In the given circumstances, the balance amount of Rs. 2, 28,479/- out of Rs. 3, 31,472/- lying deposited with the Fund of the Board be released after adjustment of the waqf contribution of Rs.35, 742/- due up to 2017-2018, by issuing an account payee cheque in the name of the Waqf Estate for its encashment through its Account No.50350422114 lying with the Allahabad Bank, Burdwan Branch.

Item No. 05 of the agenda Brd.(M&E)/12.12.17

Dist - Howrah

Ref: Misc. E.C. No. 01/2014

Re: To consider the matter of enrolment of properties and appointment of mutawalli in respect of **Mansinapur Kabarasthan Waqf Estate**.

DECISION

The agenda as aforesaid while placed is taken up for consideration. The dignitary namely, Kasem Mallik along with his Ld. Counsel is present on call. The matter relates to enrolment of the properties as waqf. The objectors namely, Itikana Manna, Pradhan of

Bargachia-II GP, Ashruddin Chakraborty and others interested in this proceeding are absent on call during hearing.

The discussion and elements made available in the file go to reveal that the people belonging to both the communities residing at the concerned village, situated under Mouza-Mansinghapur, PS - Jagatbalavpur and the Kabarsthan in question, a part of the property proposed to be enrolled by the Muslim community, as it appears, is situated at the fence of the said area where the people of Hindu community reside. This aspect is said to have invited such community to place objection regarding mode of use of the property as Kabarsthan.

Keeping in view of the situation, as indicated hereinbefore and as the issue in question involves sensitive matter, it is unanimously resolved that before disposal of the issue, an enquiry be conducted by the Dy, Chief Executive Officer of the Board regarding the actual status of the Kabarsthan and its peripheral atmosphere within three weeks from the date of communication of the resolution and report be submitted within one week therefrom.

It is recorded that in the light of the genesis of the parties, the Dy, Chief Executive Officer of the Board would conduct the enquiry with the prior information to the local administration of the State, if he thinks so.

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

Item No. 06 of the agenda Brd.(M&E)/12.12.17

Ref: Misc. E.C. No. 02/2016

Dist - North 24 Parganas

Re: To consider the matter of enrolment of properties and appointment of mutawalli in respect of Al-Mahd Al-Alam Al-Islami Waqf Estate.

DECISION

The parties interested to this proceeding are present on call. The matter relates to enrolment and registration of the property so incorporated in the prayer as waqf and also appointment of mutawalli in respect of the estate.

Having heard the parties and after due deliberation and discussion, it is unanimously resolved that before recording any order as to the issues, an enquiry be conducted by a team of two Board members consisting of Janab A Z Khan and Janab Anis-El-Huq to be assisted by Abdur Razzak, a staff member of the Board within four weeks from the date of communication of the resolution as to the state of affairs of the property proposed to be enrolled and report be submitted definitely within 2 weeks therefrom.

On receiving the report, the issue of enrolment of the property and appointment of mutawalli be placed in the next Board meeting.

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

Item No. 07 of the agenda Brd.(M&E)/12.12.17

Ref: Misc. E.C. No. 02/2016

Dist - Paschim Midnapur

Re: To consider the matter of enrolment of properties and appointment of mutawalli in respect of Hazrat Imambara Waqf Estate.

DECISION

The parties who are interested in this proceeding are heard at length. The matter relates to enrolment and registration of two plots of land measuring 1.18 acres and 0.40 acres respectively as waqf in the name of present waqf estate. From the hearing together with the order of the Hon'ble High Court, Calcutta passed on 25-02-2009 in WP No. 3537 (W) of 2009, it is clear that an order of *status quo* has been passed by the Hon'ble High Court in respect of Plot No.932. Such order of status quo has been allowed to be continued by an order dated 05-05-2009. It is not known as to whether the said order of the Hon'ble Court has been discontinued. Accordingly, it is recorded that the land of plot No.932 should not be enrolled at this stage.

Keeping in view of the prayer of the petitioner and in the light of the materials in file, it is unanimously resolved that the area measuring 0.40 acres of plot No.914 be enrolled as waqf, the detailed description of which is given below.

Accordingly, the land to the extent of area 0.40 acres recorded in the CS record of rights in plot No.914 be enrolled and registered in the name of **Hazrat Imambara Waqf Estate** classifying it as waqf other than waqf-al-al-aulad (Public) in terms of Sec. 36 of Waqf Act, 1995. Office be directed to enter the class of waqf, particulars of waqf property, detailed description of which is given below and the documents relating thereto in the Register of Waqf as per the provision as laid down in Section 37 of the said Act.

Further, details of the property entered in the Register of Auqaf be sent to the concerned Land Record Office having jurisdiction of the waqf property, if requires for doing the needful as to correction of entries of Record of Rights and other incidental matters, if any.

Description of the property

District - Paschim Midnapur, P.S. Debra,
Mouza - Haridrapat, J.L. No. 269

Khatian No.	Plot No.	Area (in acres)
111	914	0.40

As prayed for by Syed Hasen Ali, the Board after due deliberation and discussion resolved that he be appointed as mutawalli in respect of Hazrat **Imambara Waqf Estate** in terms of the provision of Section 63 of the Waqf Act, 1995 for a period of five years under the following proposed and terms and conditions:

Terms & Conditions:

- i) To open an account in the name of **Hazrat Imambara Waqf Estate** in any nationalized bank, if not opened earlier.
- ii) The said account be operated by the mutawalli himself.
- iii) To pay the yearly waqf contribution of each year within the month of May.
- iv) To pay the arrear waqf contribution within one month from the date of communication of the resolution.
- v) To submit the yearly statement of accounts definitely within the month of May each year.
- vi) To submit Voter Identity Card /Adhaar Card of the mutawalli to the Board within 15 day from the date of communication of the resolution.

Item No. 08 of the agenda Brd.(M&E)/12.12.17

Ref: E.C. No. 13481

Dist- Murshidabad

Re: To consider the matter of appointment of mutawalli in respect of Mohd. Abdur Rashid, Bibi Maimuna & Mohd. Abdur Rakib Waqf Estate.

DECISION

The parties find interest in this proceeding is present on call and they are accordingly heard. Such hearing and the documents made available on file, make it clear that amongst his five brothers the petitioner, Golam Ambia is claiming to be the eldest descendant of the waqif, Md Abdul Rakib and then proposed to be recorded his name as mutawalli in respect of the estate. Admittedly, as per genealogical table already on file, his other two brothers have meanwhile expired and the remaining three being the citizens of Bangladesh are not eligible to be appointed as mutawalli being foreigners as per present position of law.

The petitioner Golam Ambia being resident of India, is established to be the 3rd and now eldest son of the waqif amongst his other living sons as per the substantive materials made available in file. Thus, after due deliberation, it is unanimously resolved that he be recorded as mutawalli in respect of **Mohd. Abdur Rashid, Bibi Maimuna & Mohd. Abdur Rakib Waqf Estate** in terms of Section 3 (i) of the Waqf Act, 1995 under the following terms and conditions:

Terms & Conditions:

- i) To open an account in the name of **Mohd. Abdur Rashid, Bibi Maimuna & Mohd. Abdur Rakib Waqf Estate** in any nationalized bank, if not opened earlier.
- ii) The said account be operated by the mutawalli himself.
- iii) To pay the yearly waqf contribution of each year within the month of May.
- iv) To pay the arrear waqf contribution within one month from the date of communication of the resolution.

- v) To submit the yearly statement of accounts definitely within the month of May each year.

To submit Voter Identity Card /Aadhaar Card of the mutawalli to the Board within 15 days from the date of communication of the resolution.

The prayer of Golam Murshed and objection made by Azizur Rahman being not tenable are disposed of by way of rejection.

Item No. 09 of the agenda Brd.(M&E)/12.12.17

Ref: Misc. E.C. No. 02/2015

Dist-North 24 Parganas

Re: To consider the matter of registration of properties and appointment of mutawalli in respect of Pirasthan Waqf Estate.

DECISION

The instant matter relates to enrolment of the property in question as waqf and appointment of mutawalli in respect of the estate. The parties being the petitioners supporting the issues are present on call. On the other hand, the parties designated to be opposite parties belonging to Hindu community supporting the cause of the persons who are said to have been using such property for religious purpose (observing Baisnav creeds) are absent on calls. None comes to represent them.

Incidentally, it is learnt from the prayer made by one Mahasin Mondal that the notice of hearing of this proceeding reached to him on 15-12-2017 thereby he including the other persons interested in this proceeding had no opportunity to participate in the hearing for consideration of their claim. That being the position and keeping the situation in mind and in the interest of justice, no full-fledged resolution can be recorded.

In the circumstances as pleaded by Mahasin Mondal and as the property involving this proceeding allegedly used by the people belonging to a part of particular community for their religious purpose, after due deliberation and discussion, it is unanimously resolved that before recording any resolution over the issue, ***an enquiry be conducted by an inspector of waqf to be selected by the District Officer of Minority Affairs of district North 24 Parganas*** on the point of the entire state of affairs of the property in question after serving a proper notice to the local people who signed the memorandum of objection and report be submitted within a week therefrom.

On receipt of the report, the matter of enrolment of the property as waqf and appointment of mutawalli be placed in the next available Board meeting. Office be asked to send a copy of the memorandum of objection already in file along with the letter of correspondence of this decision to the enquiring officer for his convenience.

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

Item No. 10 of the agenda Brd.(M&E)/12.12.17
Ref: Misc. E.C. No. 16/2015 (Supl.)

Dist - Hooghly

Re: To consider the matter of enrolment of properties and appointment of mutawalli in respect of **Pirottar Mother Khan Waqf Estate.**

DECISION

While the agenda as aforesaid is placed, it is heard in presence of the parties present on call. The hearing and papers made available on file make it clear that there is a serious dispute regarding the status and classification of the property intended to be enrolled and registered as waqf.

Keeping this situation in mind and after due deliberation and discussion, it is unanimously resolved that before taking any decision over the subject, an enquiry be conducted by Mobarak Ali Gazi a staff member of this Board regarding the entire state of affairs of the property within three weeks from the date of communication of the resolution and report be submitted within two weeks therefrom. On the submission of the report, let the matter be placed in the next available meeting for consideration of the issue as the matter is appearing to urgent one.

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

Item No. 11 of the agenda: 12.12.17/Brd.(M&E)

Ref: E.C. No. 1159 (Suppl.)

Dist. Howrah

Re: To consider the matter of appointment of mutawalli in respect of **Tamijuddin Mistry Waqf Estate**

DECISION

While the agenda as above is placed, it is taken up for consideration in the light of the documents made available in file together with the deed of waqf dated 17-04-1926. It would appear that Syed Golam Rasul was appointed as mutawalli in respect of the estate for a period five years by a resolution dated 10-10-2006 under Section 63 of the Waqf Act, 1995. His tenure has already been expired.

As proposed by Syed Golam Rasul by his prayer dated 03-10-2012 and 11-02-2014, upon giving due regard to the genealogical table submitted in this respect and the memorandum of resolution adopted by Syed Firoz Hossain and 336 of the villagers, after due deliberation and discussion, it is unanimously resolved that Syed Golam Rasul be appointed as mutawalli in respect of **Tamijuddin Mistry Waqf Estate** in the light of the spirit of the Waqf Deed in terms of Section 3 (i) of the Waqf Act, 1995 under the following terms and conditions:

Terms & Conditions:

- i) To open an account in the name of **Tamijuddin Mistry Waqf Estate** in any nationalized bank, if not opened earlier.
- ii) The said account be operated by the mutawalli himself.
- iii) To pay the yearly waqf contribution of each year within the month of May.

- iv) To pay the arrear waqf contribution within one month from the date of communication of the resolution.
- v) To submit the yearly statement of accounts definitely within the month of May each year.
- vi) To submit Voter Identity Card /Aadhaar Card of the mutawalli to the Board within 15 days from the date of communication of the resolution.
- vii) To submit the status of the recovery of the property of the estate so encroached within six months from the date of communication of the resolution.

Further, the file goes to show that a considerable amount, nearly Rs. 1.56 crores has been awarded by the appropriate authority for acquisition of certain property belonging to the waqf estate for its use by the National Highway Authority of India (NHAI). Keeping in view of the interest of the estate and the other beneficiaries, if any, the mutawalli be directed to see that such amount is utilized and spent in terms of the spirit as incorporated, if any, engraved in the deed of waqf, with the further direction to submit the details of utilization certificate of such amount to the Board immediately thereto.

Item No. 12 the agenda: Brd.(M&E)/12.12.2017

Ref: Misc. E.C. No. 01/12 (Kolkata)

Dist. Kolkata

Re: To consider the matter of registration of properties as waqf and appointment of mutawalli in respect of Dargah-e-Iftikharia Wakf Estate.

DECISION

While the agenda as aforesaid is placed for hearing, the parties interested in this proceeding accompanied by their Ld counsels of some of them are present on call. Having heard all of them and after due deliberation and discussion and also giving due regard to the documents and materials on record, it is unanimously resolved that the property as proposed by prayers dated 21-11-2011, 05-03-2012 and 25-07-2016 presented by Perwez Ali Munawar, Imtiaz Belal Mahmood Iftekharia and Sk Lal Babu described herein below, be enrolled as waqf classifying it as Waqf other than Waqf-al-al-Aulad(Public) in terms of the provision laid down in Section 36 of the Waqf Act, 1995.

Office be directed to enter the class of waqf, name of the Mutawalli, rule of succession to the office of mutawalli, if any, particulars of waqf property, a details description of which are given below and the documents relating thereto in the Register of Waqf as per the provision laid down in Sec. 37 of the said Act.

Further, details of the property entered in the Register of Auqaf be sent to the concerned Land Record Office having jurisdiction of the waqf property for doing the needful as to correction of entries of Record of Rights and other incidental matters, if the situation arises.

Description of the property

- (1) Land measuring about 4 kathas 2 Chittaks situated at 57/A, Tapsia Road (South) Kolkata-700046, Ward No. 59, JL No. 59, Holding No. 244, Mouza – Gobra, PS – Tapsia (erstwhile 24 Pgs)
- (2) Land measuring about 7 kathas 2 Chittaks situated at 56 & 57A, Tapsia Road (South) Kolkata-700044, Ward No. 59, JL No. 59, Holding No. 244, Mouza – Gobra, Mouza – Gobra, PS – Tapsia (erstwhile 24 Pgs).

As to appointment of mutawallis in respect of the estate, while the materials in file is considered, it is seen that the parties interested in the management of the Masjid standing within the area of the estate and its shrine, presented a petition proposing the names of the following dignitaries for being appointed as mutawalli of the estate.

Thus giving due regard to such proposal and the report of enquiry received by the Board on 03-08-2017 under DE No. 9734, submitted by the team of Hon'ble Board members, after due deliberation and discussion, it is unanimously resolved that as prayed for, the said dignitaries be appointed as mutawallis in respect of **Dargah-e-Iftikharia Wakf Estate** in terms of Section 63 of the Waqf Act, 1995 under the following terms and conditions:

Sl	Name and father's name	Address	Portfolio
1	Dr Shakeeb Ahmed S/o Late Abdus Salam	31, A P C Road, Kolkata-700009	President
2	Sk Lal Babu S/o Late Abdul Zalil	116/1, Topsia Road, Kolkata-700039	Treasurer
3	Md Masud Alam Ansari S/o Late Zamiruddin Ansari	7B/1, Topsia 2 nd Lane, Kolkata-700039	Hony. Secretary
4	Md Ali Reza S/o Late Abdul Aziz	31, Lower Range, Kolkata-700019	Convenor
5	Md Ainul Haque S/o Md Shahid	16, Golam Subhan Lane, Kolkata-700016	Member
6	Kazi Nasisruddin S/o Late Kazi Moghul Jan	2, Topsia 1 st Lane, Kolkata-700039	Member
7	Israzul Haque S/o Late Fazlul Haque	112, Topsia Road, Kolkata-700039	Member

Terms & conditions:

- i) To open an account in the name of **Dargah-e-Iftikharia Wakf Estate** in any Nationalized Bank, if not opened earlier.
- ii) To pay the yearly waqf contribution of each year within the month of May.
- iii) To submit the yearly statement of accounts definitely within May each year.
- iv) To pay the arrear waqf contribution within one month from the date of communication of the resolution.
- v) The Voter's Identity Card already submitted be kept in the record.

It is resolved that the fate of this resolution will be governed by the order of OA No.26/2017 pending before the Ld. Waqf Tribunal, West Bengal.

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Item No. 13 of the agenda Brd.(M&E)/12.12.17

Dist. Kolkata

Ref: E.C. No. 1129

Re: To consider the matter of appointment of mutawalli in respect of **Miajan Khan Shama Waqf Estate.**

DECISION

While the agenda as aforesaid is placed, it is taken up for consideration, the Ld. Counsel representing the parties are present on call. They are heard at length. Giving due regard to the assertion and contention made before the Board and after due deliberation and discussion, it is unanimously resolved that before recording any resolution regarding appointment of mutawalli in respect the estate, an enquiry be conducted by Janab Abu Taher Khan, Hon'ble Board Member to be assisted by Alamgir Azad, a staff member of the Board within four weeks from the date of communication of the resolution regarding the entire state of affairs of the estate including the status and structure of the Masjid standing within the area of the estate and report be submitted within two weeks therefrom

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

Item No. 14 of the agenda Brd.(M&E)/12.12.17

Dist. Malda

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

Re: To consider the matter of delivery of the final resolution pursuant to the decision adopted by the Board on 30.08.17 confirmed by Board on 31.10.17 in respect of **Sash Hazari Waqf Estate.**

Decision

The matter relates to compliance of the order of the Hon'ble High Court, Calcutta dated 22-03-2017 passed in disposing WP No.796 (W)/ 2017. This Board in order to comply with the said order heard the matter in issue on 30-08-2017 taking it under Item No.11 of the agenda and concluded the hearing with the direction to Suraj Sk who participated in the hearing of the proceeding being an interested person of the locality to file his written submission within 10-09-2017, serving copy of the same to the petitioner, Shehnaz Quadry.

It is clear from the file that the petitioner, Shehnaz Quadry by her prayers dated 24-08-2009, 01-07-2014 and 23-09-2017 continuously praying before the Board for recording her name as mutawalli in respect of the estate in terms of the provision of Waqf Act, 1995 defining the estate as Waqf-al-al-Aulad.

The file reveals that this Board heard the issue on several occasions and recorded resolutions on the prayer of the petitioners and others who are claiming that the steam of maintenance of the estate is in their hands. The file also reveals that the Board in the

interest of the estate and for proper management, resumed it under direct management in terms of the provision of Section 65 of the Waqf Act, 1995 by resolutions dated 10-03-2015 and then 07-04-2017 for a period two years and three years respectively.

In this connection, it is worthy to note that some people belonging to the locality denying the status of the estate and its classification as Waqf-al-al-Aulad seriously contended that although the estate has been enrolled classifying it as Waqf-al-al-Aulad but as a matter of fact, it is public in nature. The order of enrolment and recording its classification was made on the basis of some fake documents.

It can well be derived from the file that Bulbul Middya, a man of the locality claiming to be interested in the benefit in the estate, filed a petition before the Ld Waqf Tribunal, West Bengal against the Board and Mrs Shehnaz Quadry being OA No. 15/2013 regarding the estate under Section 83 (1) read with Section 82 of Waqf Act, 1995 challenging the nature and classification of the estate by putting forward that while the public at large of the locality and outside areas have been in continuous use and visit to the mazar, existing within the area of the estate to satisfy their personal religious belief and sentiment, it must be defined to be public waqf.

Further, Mrs Shehnaz Quadry filed a separate Application being OA No. 27/2015 before the Ld. Waqf Tribunal, West Bengal with the assertion that the waqf estate in question is Waqf-al-al-Aulad as per the Sanad created in connection with the matter and thereafter her mother and her legal heirs and she herself being the beneficiaries have continuously been enjoying the right of mutawalliship and accordingly her name has been recorded as such in respect of the estate by this Board. It is clear from the copy of the information slips made available in file that both the Applications, OA No. 15/2013 and OA No. 27/2015 are still pending before the Ld. Waqf Tribunal, West Bengal fixing their dates on 09-01-2018 and 25-01-2018 respectively.

In this connection, it is pertinent to take in to account that the provision of Section 85 of the Waqf Act, 1995 confers the Waqf Tribunal of the State to exercise the power of the Civil Court in respect of any dispute or question or other matter relating to any waqf, waqf property or other matter which is required by or under this Act to adjudicate the matters. Thus, the spirit of Section 85 of the Act makes it conclusive that whenever there is any dispute regarding any issue of any waqf property including the nature and classification of the same, only the Waqf Tribunal is having jurisdiction to adjudicate it.

In the present case as it has already been indicated, two applications being OA No.15/2013 and No. 27/2015 are pending before the Ld. Waqf Tribunal West Bengal with regard to adjudication of the nature and classification of the estate including Piran Pir Mazar existing within the area of such estate. Since the aforesaid Other Applications are yet to be disposed by the said Tribunal for determination of the actual nature and classification, the Board after due deliberation and discussion, unanimously resolves

that it would not be justified to pass any order as to appointment of the petitioner as mutawalli in respect of the estate in pursuance of her applications. Accordingly, it is recorded that the petitions dated 24-08-2009, 01-07-2014 and 23-09-2017 filed by Shehnaz Quadry cannot be disposed of until conclusion of the fate of the said Other Applications. The order of the Hon'ble High Court dated 22-03-2017 passed in disposing WP No.796 (W)/ 2017 is thus complied with.

Item No. 15 of the agenda Brd.(M&E)/12.12.17

Ref: File No.

Re: To consider the matter of changing the official post of Jb. Jamsed Ali, a retired Commercial Tax Officer under the Finance Department, Govt of West Bengal, now working as Contractual Assistant in the Board of Auqaf, West Bengal.

Decision:

While the prayer dated 23-11-2017 received by the Board under DE No. 14546 from Janab Jamshed Ali along with related documents is placed for consideration, it is discussed at length. The petitioner is seen to have served as Commercial Tax Officer in the Pay Band of Rs. 15,600 – 42,000/- under the Finance Department, Government of West Bengal. Now, he has been working in the Demand Section of this Board efficiently with effect from 01-04-2013.

Thus, upon giving due consideration to his official status and performance, it is unanimously resolved that his present official status as Office Assistant be identified as Officer on Special Duty (OSD) of this Board with effect from this day until further decision. It is recorded that he will have no right to claim any financial benefit.

Item No. 16 of the agenda Brd.(M&E)/12.12.17

Ref.: E.C. No. 13057

Dist. Kolkata

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

DECISION

While the agenda as aforesaid is placed for consideration, Dr Nasim Akhter is present on call. Talbur Rahaman Mondal accompanied by his lawyer, Mr. Munshi Matiar Rahman is also present. Dr Nasim Akhter, the petitioner herein is coming forward for being appointed as mutawalli in place of his mother Mst Sajeda Khatoon previous mutawalli of the estate who died on 23-04-2017.

On the contrary, Talebur Rahaman Mondal by putting forward some Xerox copy of some documents intends to have adjournment of the hearing on some grounds including the ground that this matter should be heard analogously with EC number is 13311 but the said plea of adjournment is not supported by any document or copy of the judgement on which he relies on.

Fact remains that this estate is classified as Waqf-al-al-Aulad and the name of Mst Sajeda Khatoon, the mother of Dr. Nasim Akhter was recorded as mutawalli in respect of the same by this Board on 31-03-1965. Talebur Rahaman Mondal is opposing the stand and the qualification of the petitioner with regard to this estate but he has failed to substantiate his claim by any document including the order of the court on which he relies. In such situation his prayer is rejected. In the light of the situation, the Board after due deliberation and discussion unanimously resolves that the name of Dr Nasim Akhter be recorded as mutawalli in respect of **Marium Bibi Waqf Estate** in terms of the spirit of Section 3(i) of the Waqf Act, 1995 under the following terms and conditions:

Terms & conditions:

- i) To open an account in the name of **Marium Bibi Waqf Estate** in any Nationalized Bank, if not opened earlier. Such account be operated by the mutawalli himself.
- ii) To pay the yearly waqf contribution of each year within the month of May.
- iii) To submit the yearly statement of accounts definitely within the month May each year.
- iv) To pay the arrear waqf contribution within one month from the date of communication of the resolution.
- v) The Voter's Identity Card already submitted be kept in the record.

Item No. 17 of the agenda Brd.(M&E)/12.12.17

Ref: Misc. EC No. 117/14 (E.C. No. 15644)

Dist. South 24 Pgs

Re: To consider the matter of rectification of the resolution dated 28-09-2016 confirmed on 10-11-2016 in respect of **Chandar Halder Waqf Estate**.

Decision:

The agenda as aforesaid being placed in the light of the prayer dated 25-07-2017 received under DE No. 9313 from Jainur Bibi regarding rectification of the name of the waqf estate and for inclusion of the property as incorporated in the prayer filed on 07-10-2015 in the list of the waqf property and for its registration as waqf.

Having heard the petitioner and in the light of the papers made available in the file so also in order to give proper reflection to the spirit of the documents on basis of which the property has been intended to be enrolled, the name of the estate as mentioned in the resolution dated 28-03-2017, "**Paschim Chowk Panchghora Jumma Masjid Waqf Estate**" be replaced by the name "**Chandar Halder Waqf Estate**" by way of rectification. Further, the property measuring 10 decimals and 21 decimals appertaining to plot Nos. 564 and 565 respectively of Mouza Khanpur, PS-Usti, District - South 24 Parganas be included in the relevant area of the schedule of the waqf property already registered and enrolled as waqf.

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

Item No. 18 of the agenda: Brd.(M&E)/12.12.17

Ref: Misc. EC No. 1610

Dist. Kolkata

Re: To consider the matter of rectification of the resolution dated 01-07-2014 confirmed on 28-08-2014 in respect of **Fateh Muhammed Waqf Estate**.

Decision:

While the agenda as aforesaid is placed in the light of the prayer dated 12-06-2017 received by the Board on the same day made by Md S. Jamil, President of the Committee Mutawalli of **Fateh Muhammed Waqf Estate** for rectification of resolution, it is discussed at length. Since there is question of development of the Masjid, the part of the estate and by some reason or otherwise, the identity of location of the estate is wrongly incorporated as 83A, Baithakkhana Road, Kolkata-9, it is unanimously resolved that in order to give proper identification of the estate and for the purpose of acceleration of the development, the words and sentence "83A, Baithakkhana Road, Kolkata-9" as incorporated in the resolution dated 01-07-2014, be replaced by "83B, Baithakkhana Road, Kolkata-9".

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

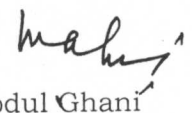
Item No. 19 of the agenda Brd.(M&E)/12.12.17

Ref: File No.

Re: To consider the matter of changing the official post of Jb. Mobarak Ali Gazi, a retired Assistant Secretary in the Finance Department, Govt of West Bengal, now working as Contractual Assistant in the Board of Auqaf, West Bengal.

Decision:

The prayer dated 06-12-2017 of Janab Mobarak Ali Gazi along with the Xerox copy of bio-data filed and signed by him is placed for consideration, it is discussed. The petitioner is seen to have served as Assistant Secretary in Finance Department, Government of West Bengal under Pay Band of Rs. 15,600 - 42,000/- and he has been working efficiently in the Enrolment Case Section of this Board since 2014. Thus, upon giving due consideration to his official status and performance, it is unanimously resolved that his present official status as Office Assistant be identified as Officer on Special Duty (OSD) of this Board with effect from this day until further decision. It is recorded that he will have no right to claim any financial benefit.


Justice Md Abdul Ghani
Chairperson
Board of Auqaf, West Bengal

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