

Court No. 6  
(265719)

**28.04.2025**

(AD 23)

(S. Banerjee)

CO 1424 of 2025

Smt. Keya Seth

Vs.

The Board of Auqaf, West Bengal & Ors.

Mr. Tanmay Mukherjee  
Mr. Sumitava Chakraborty  
Mr. Sounak Mondal

...for the petitioner

Leave is granted to the petitioner to file a supplementary affidavit.

The supplementary affidavit filed in court today is kept with the record.

By the order impugned the learned Waqf Tribunal passed an order of eviction against 37 encroachers directing them to vacate the encroached property and deliver possession of the same to the Committee Mutawallis pertaining to Sk. Jan Mohammad Mian Waqf Estate. One of the encroachers, namely, Smt. Keya Seth has challenged the order by filing this civil revision application.

After going through the order impugned, this Court is of the prima facie view that the Waqf Board while passing an order of eviction, did not pass a reasoned order. The allegation is that of an

encroachment. The question that arises is whether upon a spot enquiry a report as to encroachment can be drawn.

The petitioner is directed to serve a copy of this application, along with a copy of the supplementary affidavit filed in court today, upon the opposite party nos. 1 and 2 by registered speed post with acknowledgement due and file an affidavit of service on the next date.

There shall be an order of stay of operation of the order dated December 20, 2024 passed by the learned Waqf Tribunal in Eviction Case No. 2 of 2023 insofar as it relates to the petitioner, till the end of the month of July, 2025 or until further order, whichever is earlier.

**(Hiranmay Bhattacharyya, J.)**