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AG 2022
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Ct
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C.O. 2980 of 2022

**Nasimul Haque @ Rinju & Anr
Vs
The Board of Auqaf West Bengal & Ors**

Mr. Abdul Hadi,
Mr. Shamik Bagchi, ... For the petitioners.

Petitioners furnish affidavit of service. Let the same be taken on record.

While assailing the impugned judgment dated 4th August, 2022 passed by Waqf Tribunal in eviction case no. 02 of 2022, Mr. Abdul Hadi, learned advocate appearing for the petitioners, submits that the Board of Waqf West Bengal has erroneously described the petitioners to be encroachers in respect of the Waqf premises, pertaining to Sabujan Bibi Waqf Estate, following which the Waqf Tribunal in eviction case No. 02 of 2022 has endorsed the same, permitting eviction to be effected in respect of the premises under possession of the petitioners.

The fundamental challenge of the petitioners is against the assessment of the Waqf Board holding the petitioners to be encroachers, following which the eviction order has been there, passed by the Waqf Tribunal.

The issue needs to be gone into touching upon the merits of the case.

In the meantime, no eviction be effected

pertaining to the premises, allegedly held by petitioners with respect to Sabujan Bibi Waqf Estate till the end of November, 2022, or until further order, whichever is earlier.

Petitioners are directed to serve the copy of the application upon the opposite parties and their learned advocate appearing in the Court below, by speed post with A/D, and furnish affidavit of service on the next returnable date.

List the matter after Puja vacation.

(Subhasis Dasgupta, J)