

25.02.2026
Court No. 06
Item No. 25
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

C.O. 4354 of 2025

**Bahu Bibi Wakf Estate, represented
by the Secretary of the Mutawalli
Committee of Bahu Bibi Auqaf Estate-
Sk Samsuddin
-Versus-**

Birla Sanskrit Trust & Ors.

Mr. Syed Nazmul Hossain,
Mr. Syed Raihqual Hossain,
Ms. Sanjari Khatoon
Mr. Sayan Khan,
Mr. Kalash Jaiswal

.....for the petitioner

Mr. Aniruddha Chatterjee, Sr. Adv.,
Ms. Sachismita Chatterje Ghosh,
Mr. Malay K. Saha,
Mr. Iftikar Mnshi

....for the opposite party.

Mr. Nadeem Sulaiman

....for the Auqaf Board.

Mr. Gopal Ch. Das,

Ms. A. Das

.....for the K.M.C.

- 1) The petitioner claims to be the mutawalli of the Auqaf Estate named and styled as Bahu Bibi Auqaf Estate. The petitioner has filed a suit before the learned Waqf Tribunal for a declaration that the concerned property is a wakf property and for a decree of mandatory injunction directing the defendant no. 3 in the suit to delete the mutation in the name of the defendant no. 1 and to mutate the suit property as a wakf property under Bahu Bibi Auqaf Estate.
- 2) The petitioner as a plaintiff filed an application for temporary injunction and

prayed for an order restraining the defendant no. 1 and its men and agents from proceeding with any construction over the suit property and from changing the nature and character of the suit property.

3) The learned Tribunal rejected the said application on the ground that the plaintiff was to make out a case of title before the tribunal, in order to be favoured with an order of temporary injunction. The defendant no. 1 was running a school on the property and there was no question of damage or injury to the property.

4) The Board has filed a document which shows that, in their register, the property is a wakf property. The defendant no. 1 is claiming rival title and ownership over the suit property.

5) The said issue is pending before the tribunal. The defendant no. 1 and his men and agents are restrained from alienating the property and/or changing the nature and character thereof. The school was running from the suit property and will continue to run without any disturbance.

6) The urgent repair works may be done with the permission of the Tribunal. This order shall be maintained till the disposal of the suit. The learned Tribunal is requested to expedite the hearing of the suit.

7) Accordingly, the revisional application is disposed of.

8) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)