

## HISTORY OF MURSHIDABAD WAKF

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1906

: The first Nawab Bahadur, Hussain Ali Khan, died in the year 1906 leaving behind Sayyid Wasif Ali Meerza and he enjoyed all the titles, privileges, facilities and properties as mentioned in the Schedule to the Indenture dated 12.03.1891. During his tenure, the Government of India on receipt of a request from the said Nawab, who had become indebted and was finding it difficult to manage the Estate to take over its management, passed a Murshidabad Estate Administration Act, 1933 assuming management of the properties for and on behalf of the Nawab and for the benefit of Murshidabad family.

1959

: That after the death of second Nawab who died in the year 1959, his eldest son, Waris Ali Meerza succeeded as third Nawab Bahadur of Murshidabad.

: That third Nawab Bahadur had contracted a marriage with a non-muslim

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lady for whom he had two children. This marriage was null and void under the Shia Law and there was a separation in the year, 1932, the sons gave up the Indian citizenship and obtained a foreign citizenship. The said third Nawab Bahadur died in the year, 1969 leaving behind no male heir and the petitioner being the next eldest son of second Nawab Bahadur and the younger brother of third Nawab Bahadur was automatically entitled to the Nawab Bahadurship on the death of the third Nawab Bahadur as per the Indenture dated 12.3.1891 and as per the law of Primogeniture.

: It may be stated at this stage that various Acts from time to time namely, Murshidabad Estate Administration Act, 1933, Murshidabad Estate Administration Amendment Act, 1959, and Murshidabad Trust Administration Act, 1963, withstanding, the ranks, dignities and privileges of the Nawab

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including the present Petitioner were not affected and the fruits of the properties were available to the Nawab Bahadur in terms of Indenture dated 12.3.1891 till 1969 without any break.

: That the petitioner was not conferred with the title of Nawab Bahadur to which he was entitled being the oldest male of the oldest branch of first Nawab Bahadur, in contemplative of the Indenture dated 12.3.1891.

1981

: On neglect of the 1st respondent to recognise the petitioner as the Nawab, he was compelled to file a Writ Petition being Writ Petition No. 10165 of 1981 in the High Court of Judicature at Calcutta directing the respondents to accept and admit the petitioner as Nawab Bahadur of Murshidabad and Amin-ul-Omrah in terms of the Indenture as well as in terms of the Act XV of 1891 and the High Court accordingly

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vide Judgment dated 14.8.1987 directed the Respondents to consider the claim of the petitioner as he is the brother of the third Nawab Bahadur and an appeal against this judgment being a FMAT No.3312/87 is pending in the Calcutta High Court. It may be stated, that inspite of this pendency, the respondent No.2 tried to take away the properties, dislodge the petitioner by making an attempt to take the same under the Land Acquisition Act, and on challenge U/A.226 of the Constitution, the Land acquisition proceedings were quashed by the High Court on a Petition filed by the petitioner. It is submitted that undaunted by this Judgment of the High Court, the State of West Bengal passed a colourable Act, namely, Murshidabad Estate (amangement of Properties) and Miso. Provisions Act, 1980, which was given effect w.e.f. 1985 providing for making the estch extinct. The petitioner challenged the Act on the

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ground that the State Legislature has no competence to enact the Act. The Act was confiscatory and oppressive in nature and tried to expropriate the properties of Mursi. Labad Estate without payment of compensation.

6.11.1990: The single Bench of the High Court held that the petitioner had the locus standi to challenge the writ petition but dismissed the petition on the other grounds.

22.12.1992: Being aggrieved by the Judgment and order, the petitioner as well as the Respondents filed appeal before the Division Bench of the High Court but the Division Bench of the High Court dismissed the appeal of the Petitioner on the ground that the petitioner has no locus standi to file the writ petition. The finding of the trial court in favour of the petitioner was never challenged, assailed or argued before the appellate

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court and the appellate Court  
sub-moto without being given any  
notice or affording an opportunity  
of being heard on this point,  
dismissed the appeal of the petitioner  
on this ground without considering  
the appeal on merits.

7.1.1993

: Hence this Special Leave Petition  
before this Hon'ble Court.

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