

D/L 7
26.06.2025
Rohit
ct.no.14

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 3830 OF 2024

**Abdul Aziz Mollah
Versus
Union of India & Ors.**

Mr. Dhananjay Banerjee
Mr. Jisan Iqbal Hossain

...for the Petitioner

Mr. Sk. Md. Galib
Mr. S. Dewan

...for the State

Mr. Samrat Ghosh

...for the UOI

1. The petitioner in the instant writ petition has prayed for a direction upon the respondent authorities for taking steps to repair the Motijheel mosque and a madrasah which is allegedly functioning from the premises of the mosque.
2. The Sub-Divisional Officer, Lalbagh has forwarded a report before this Court dated 25th of June, 2025 which clearly mentions that the mosque is under the control of the Archaeological Survey of India, Government of India and the local administration does not have any role to

supervise the matter. Renovation work of the masjid is going on.

3. The report specifically mentions that the madrasah which is being referred to by the petitioner is not functioning properly and the same is not aided by the Government of West Bengal.
4. The Superintending Archaeologist of the Archaeological Survey of India, Raiganj Circle has forwarded instruction signed on 18th of June, 2025 specifically mentioning that the Motijheel Jama Masjid, Murshidabad was declared as a centrally protected monument in the year 2011 and since then the monument is being looked after by the Raiganj Circle of the Archaeological Survey of India.
5. The Archaeological Survey is taking continuous step to conserve and protect the said monument but the said process of conservation and protection is becoming a challenging job due to the illegal activities of the petitioner, a local resident of the area, who is encouraging unauthorised encroachments at the site of the mosque by sinking tube wells and installing water tank on the roof of the mosque. Due to

overflow of the water from the tank, the surface of the monument is getting damaged.

6. Loudspeakers are installed within the masjid premises. The petitioner had cut a mango tree forcefully and has set up illegal shops within the fenced grill.
7. The illegal act of the petitioner is contrary to and in violation of the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 as amended by the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation Act, 2010).
8. The petitioner also has a habit of threatening the officials of the Archaeological Survey of India posted at the mosque whenever any opposition is raised against the unlawful acts of the petitioner.
9. From the report filed by the authorities it appears that no aid by the State is provided to any madrasah at the site of the mosque. In fact, the madrasah, as alleged, is not properly functioning at all. In the guise of making the madrasah functional, the petitioner intends to intrude into the mosque, which is contrary to the provisions of the Act as mentioned hereinabove.
10. As the masjid has been declared as a centrally protected monument, accordingly, the

Archaeological Survey of India ought to keep strict vigil over the property and protect the same strictly in accordance with the Act. It will be open for the Authority to take all appropriate measures in the event any provision of the Act is violated.

11. It will also be open for the officers of the Archaeological Survey of India to take the assistance of the local police if any difficulty is faced at the time of protection of the monument. No illegal activity like sinking of tube-well, installation of overhead water tank, installation of loudspeakers within the masjid premises, setting up of stalls, cutting of trees within the fenced grill of the masjid premises shall be permitted. The illegal activities shall be strictly dealt with by the Archaeological Survey of India.
12. The writ petition stands disposed of.
13. Urgent certified website copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Amrita Sinha, J.)