

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

61 28.3.2025
Sc Ct. no.2

WPA 5613 OF 2025

Kazi Golam Mortoza

Vs.

The State of West Bengal & Ors.

Mr. Sk. Moinuddin

.... For the Petitioner

Mr. Md. Salahuddin

Mr. Md. Ahsanuzzaman

Mr. Md. Raziuddin.

.... For the Board of
Auqaf

Mr. Kingsuk Mondal

Mr. Pradip Kumar Kundu.

.... For the Private
Respondent Nos. 7 to 10

Affidavit-of-service, filed in Court today, is taken
on record.

Mr. Sk. Moinuddin, learned advocate appears for
the petitioner.

Md. Salahuddin, learned Counsel appears for the
Board of Auqaf.

Mr. Kingsuk Mondal, learned Advocate appears
for the private respondent nos. 7 to 10.

The prayer '(a)' to the writ petition is quoted below
:

*“a) A writ of and/or in the nature of
Mandamus commanding the Block Land and*

Land Reforms Officer, Budge Budge-II, South 24 Parganas to act in terms of the memo issued by the Chief Executive Officer, West Bengal Board of Wakfs dated 05.07.2022 (Annexure "P-4") to this writ petition."

The relevant memo dated **July 5, 2022** is available at **page 18** to the writ petition which shows suggestion was made by the Waqf Board for correction of record of the land.

The petitioner submits that the private respondents have illegally occupied portion of the Waqf land.

The **first issue** has to be decided, **who is the actual bargadar.**

In view of the above, the jurisdictional BL&LRO is directed upon issuing a prior hearing notice of at least **seven days** to the petitioner and the private respondents and after granting them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the jurisdictional BL&LRO positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner and the private respondents within a period of **one week** from the date of the said reasoned order to be passed.

Depending upon the outcome of the said reasoned order, the petitioner and the other parties shall be at liberty to take steps in accordance with law.

It is made clear that, this Court has not gone into the merits of the rival contentions of the petitioner and the private respondents and the jurisdictional BL&LRO shall decide the issue independently on the merit of the issue strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 5613 of 2025** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)