

17.04.2025
Item Nos.28-29
gd/ssd

WPA(P)/54/2025
CAN/1/2025
INSHAN SK.
VS
THE STATE OF WEST BENGAL AND ORS.
with
WPA(P)/113/2023
ADHIR BISWAS AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Saikat Chatterjee.
Mr. Partha Pratim Sinha
..for the Petitioner in
WPA(P) 54 of 2025.

Mr. Raj Kr. Sain,
Mr. Sandipan Maity,
Mr. Sushanta Maiti
..for the Petitioner in
WPA(P) 113 of 2023.

Mr. Sk. Md. Galib,
Mr. Manish Biswas
..for the State in
WPA(P) 54 of 2025.

Md. Abdur Rakib,
Mr. Puranjan Pal,
Mr. Mojahid Mehedi
..for the Applicant in
CAN 1 of 2025.

Re: CAN 1 of 2025 in
WPA(P) 54 of 2025

1. Since the applicants in CAN 1 of 2025 are the appropriate and necessary party to the writ petition, the application is allowed and the applicants are impleaded as the 12th and the 13th respondents in this writ petition. Necessary correction be effected in the cause-title.

**Re: WPA(P) 54 of 2025 and
WPA(P) 113 of 2023**

2. Both these writ petitions have to be heard together since both are connected concerning a plot of land which, according to the petitioner in WPA(P) 54 of 2025 is a land that has to be used as a burial ground for people of Muslim community. According to the petitioners in WPA(P) 113 of 2023, the land is not being classified as Kobursthan and it cannot be converted into a graveyard and any such activity will be illegal.

3. There appears to have been some settlement talks between the parties and, according to the petitioners, namely, Adhir Biswas and others in WPA(P) 113 of 2023, the said minutes of the meeting of the alleged compromise was recorded by using police force.

4. Be that as it may, from the report submitted by the Block Development Officer, Hanskhali, Nadia the classification of the land is “Aaush”.

5. According to the learned advocate for the petitioner in WPA(P) 54 of 2025, the land was gifted for the purpose of Kobursthan but subsequently the classification has been changed in the revenue records by the department concerned.

6. However, there is no document to support such a claim.

7. Therefore, as long as the land continues to remain as classified as Aaush, no burial can be done by any person belonging to any community.

8. It is made clear that unless and until the land is classified in Kobursthan, the question of making any burial of any dead bodies would not arise.

9. It will be well open to the parties to approach the authorities for necessary relief in this regard.

10. Furthermore, we note that in the major information of the deed appended to the gift deed the use of the land as per the ROR is Aaush and it was proposed to be used as Kobursthan.

11. Thus, it is clear that as on date the land has not been classified as Kobursthan and, therefore, no burial of dead bodies can be done in the land in question.

12. With the above observations, both the matters are disposed of.

13. Inadvertent typographical error had crept into the order dated 20.3.2025.

14. In the appearance portion of the order dated 20.3.2025, the name of one of the advocates for the State 'Maniksh Biswas' be read as 'Manish Biswas'.

15. Other portions of the order dated 20.3.2025 shall remain the same.

16. Department is directed to incorporate necessary correction in the order.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)