

10.12.2025
Ct. No.13
Sl. No.2
akd

M. A. T. 446 of 2025
(C. A. N. 1 of 2025)
(C. A. N. 2 of 2025)

[Md. Asique -Vs- The State of West Bengal & Ors.]

Mr. Partha Pratim Roy
Mr. Rajkumar Das
Mr. Anirban Das
Mr. Chandan Mondal
... ... for the appellant

Mr. Falguni Majhi
... ... for respondent no.6
[Burdwan Development Authority]

Ms. Sipra Majumder
Ms. Prativa Ghatak
... ... for the State

1. The Inspector-in-charge, Burdwan Police Station has filed a report dated 10.12.2025. The same is taken on record.
2. It appears from the report that a temporary tin shed structure was constructed on the property in violation of the orders passed by this court. Photographs produced by the learned counsel for the appellant also show that shed was surrounded by a temporary polythene cover. The report clearly establishes that there are two temples pre-existing on the property for a substantial period of time, one is a *Kali* temple and other is a *Hanuman mandir*.
3. A dispute has been raised by the State-respondents as well as the Burdwan Development Authority that the land in question is part of the *Debuttar* estate. It further appears that a Title Appeal No. 03 of 2015 is pending before the learned Additional District Judge, 4th Court, Burdwan arising out of Title Suit No. 91 of 2010 filed by the appellant.

4. The issue as regards whether the property is *Debutter* or secular is stated to have been decided by the Allahabad High Court in Second Appeal No. 316 of 1960.

5. Against an order passed in Title Appeal No. 03 of 2015, an appeal was filed before this Court being FMA 110 of 2019 which was disposed of by the judgment and order dated 02.08.2023. A Single Bench of this Court had directed restoration of the appeal before the appellate court. The First Miscellaneous Appeal was directed against an order of remand passed by the lower appellate court in Title Appeal No. 03 of 2015.

6. The Burdwan Development Authority has also filed a report dated 09.12.2025 as directed by this court. The same is also taken on record.

7. Having regard to the reports, this Court sees that the Inspector-in-charge, Burdwan Police Station has placed a very meticulous, sincere and detailed report. The Inspector-in-charge, Burdwan Police Station is directed to ensure that there is absolutely no further construction on the property in question.

8. The existence of the tin shed structure shall abide by the civil proceeding in Title Appeal No. 03 of 2015.

9. The civil court shall proceed to decide the matter uninfluenced by any observations made by the Single Bench of this Court in judgment dated 02.08.2023 (*supra*). The State-respondents as well as the Burdwan Development Authority shall be entitled to produce documents before the civil court as well as the West Bengal Land Reforms and Tenancy Tribunal disclosing whether the property in question is a *Debutter* or secular estate.

10. With the aforesaid observations and directions, MAT 446 of 2025 is disposed of.

11. In view of the disposal of the appeal itself, all the pending connected applications are disposed of.

12. Let copy of the report of the Inspector-in-charge, Burdwan Police Station be handed over to the learned counsel for the appellant.

13. There will be no order as to costs.

14. All parties are to act on a server copy of this order duly downloaded from the official *website* of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)