

S/L 4
12.06.2025
Court. No. 19
Suwayan

WPA 8250 of 2025

**Maimur Rahaman & Ors.
Vs.
The Union of India & Ors.**

*Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
Mr. Saikat Gayen*

...for the petitioners.

*Mr. Dhiraj Trivedi, Ld. D.S.G.I.
Ms. Amrita Pandey
Ms. Sneha Singh*

...for the respondent nos. 1 to 3.

*Mr. Lalit Mohan Mahata, AGP
Mr. Ziaul Haque*

...for the State.

1. The affidavit-of-service as filed on behalf of the writ petitioners is taken on record.
2. The writ petitioners, the Union of India and its functionaries i.e.; the respondent nos. 1 to 3 and the respondents/State and its functionaries i.e.; the respondent nos., 4 to 7 are represented by their respective learned Counsels.
3. At the time of hearing Mr. Sanyal, learned Advocate appearing on behalf of the writ petitioners and Mr. Trivedi, learned D.S.G.I. jointly draws attention of this Court to a copy of the judgment dated 13.05.2025 as passed by this Court in WPA 24037 of 2023.
4. It is submitted at the Bar that the subject matter of the instant writ petition is more or less identical with the subject matter as involved in WPA 24037 of 2023. It is further submitted at the Bar that while disposing WPA 24037 of 2023 this Court has specifically held that the

said writ petition is not maintainable since an appeal lies to this High Court under Section 18C of the Enemy Property Act, 1968 as amended (hereinafter referred to as the 'said Act of 1968' in short).

5. It is thus submitted on behalf of the writ petitioners that similar order may be passed in the instant writ petition with liberty to the writ petitioners to file a regular First Appeal before this High Court under Section 18C of the said Act of 1968 after condoning the delay in preferring the said Appeal, if filed within a stipulated period considering the fact that the writ petitioners on account of their *bona fide* mistake are pursuing their remedy in wrong forum.
6. Learned Advocate for the state echoes the submission as made by the learned D.S.G.I.
7. In view of such, this Court considers that since the subject matter of the instant writ petition is identical with the subject matter of WPA 24037 of 2023 there cannot be any predicament in allowing the writ petitioners to file a regular First Appeal in the department under Section 18C of the said Act of 1968.
8. Accordingly, while disposing the instant writ petition, this Court permits the writ petitioners to file a regular First Appeal under Section 18C of the said Act of 1968 assailing the order dated 04.03.2025 as passed by the Joint Secretary to the Government of India, Ministry Home Affairs (FFR Division) positively within 30 working days from today, if so advised. However, keeping in mind that the writ petitioners are pursuing

for their remedy in a wrong forum, this Court directs the department not to give any endorsement of delay in filing the appeal, if the said appeal is filed within the period as indicated hereinabove.

9. Before parting with, it is further made clear that while dealing with the instant writ petition this Court has not gone into the merits of the instant writ petition and since affidavits have not been called for, the allegations made in the instant writ petition are deemed to have been denied.
10. Department is directed to act on the basis of the server copy.
11. With the aforementioned observation, the instant writ petition being WPA 8250 of 2025 is disposed of.
12. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)