

S/L 20
26.11.2025
Court. No. 25
sourav

WPA 19389 of 2025

**Md. Mohar Ali Molla & Anr.
Vs.
The State of West Bengal & Ors.**

*Mr. Surajit Samanta
Ms. Sohini Samanta*

...for the petitioners.

*Mr. Sudipta Dasgupta
Mr. Arindam Shit*

...for the respondent no. 4.

*Ms. Sonal Sinah, Ld. AGP
Ms. Debdooti Dutta*

...for the State.

1. The petitioner has filed the present writ application challenging the order passed by the learned Sub-Divisional Officer, Baruipur, South 24 Parganas and the Chairman, Maintenance Tribunal dated July 10, 2025.
2. The ground of challenging the said order is that the Sub-Divisional Officer has come to a finding that the OP is 90% physically handicapped and without any reason directed the parties to maintain peace. It is also recorded that after considering all the submitted documents and after affording reasonable opportunity of being heard to all the interested parties. The impugned order is passed but no documents have been supplied to the petitioners and petitioners did not get an opportunity of hearing
3. This Court finds that before passing the impugned order dated July 10, 2025, no report has been called either from the BLO or from the police authority.
4. Considering the above, this Court finds that the order passed by the Sub-Divisional Officer is not in accordance

with law. Accordingly, the same is set aside and quashed. The matter is remanded back to the learned Sub-Divisional Officer, Baruipur, South 24 Parganas and the Chairman, Maintenance Tribunal to consider the complaint filed by the petitioners dated June 13, 2025 and dated July 13, 2025 afresh after giving an opportunity of hearing to all the parties and after calling report from the BLO as well as the police authority.

5. If the Sub-Divisional Officer is relying upon any report and the documents before passing any order, the said documents and report be supplied to the petitioners so that the petitioners can take appropriate steps in this regard. The Sub-Divisional Officer is directed to complete the proceeding and pass a reasoned and speaking order within a period of eight weeks from the date of receipt of this order.
6. It is made clear that if the petitioners pray before the Sub-Divisional Officer for any interim relief, the Sub-Divisional Officer shall consider and pass an appropriate order in its own merit by taking into consideration of the old age of the petitioners.
7. Accordingly, **WPA 19389 of 2025** is disposed of.
8. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)