

Court No. 6
(265719)

CO 3180 of 2025

02.09.2025
(AD 18)
(S. Banerjee)

Munshidanga Dakshinpara Zumma Maszid
Vs.
Farid Ahmed Laskar (since deceased) represented by his
legal heirs Samim Aktar Laskar & Ors.

Mr. Somnath Roy Chowdhury
Ms. Arpita Chowdhury

... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against order no. 70 dated February 12, 2025 passed by the learned Civil Judge (Jr. Division), 4th Court at Howrah in Title Suit No. 41 of 2013. By the order impugned the application for repairing stood rejected.

Learned advocate appearing for the petitioner submits that on an earlier occasion an application for repairing of masjid was filed and a Commissioner was appointed. The Commissioner after inspection noted that the repairing is necessary. Thereafter, the prayer for repairing was allowed. The learned advocate appearing for the petitioner further submits that only one day was allowed to the petitioner to undertake the repairs and the petitioner could not complete the repairing work. He submits that subsequently

another application for repairing was filed which was rejected by the impugned order. He submits that since in the meantime the property was further damaged and also that the repairing as per the earlier order could not be completed, a fresh application for repairing was filed which stood rejected by the order impugned.

It is not in dispute that an order of status quo with regard to the nature and character of the A schedule property is in existence. It is also not disputed that pursuant to an application for repairing the Commissioner was appointed and the petitioner was permitted to undertake the repairing work. The learned trial judge after considering the report filed by the Court Officer recorded that the repairing work of the masjid was almost completed. Learned advocate appearing for the petitioner submits that no copy of such report was supplied to the petitioner. Such an objection was not raised by the petitioner before the learned trial judge. The learned trial judge after considering the materials on record observed that no further repairing work shall be allowed as the same would amount to changing the nature and character of the said property.

Since the petitioner was allowed to undertake repairing, this court is of the considered view that the

learned trial judge was right in rejecting the second application for repairing as no material was placed before the learned trial judge to show that the suit property requires further repairing.

Accordingly, CO 3180 of 2025 stands dismissed.

(Hiranmay Bhattacharyya, J.)