

October 27, 2025
(10) ARDR

WPA 24435 of 2025

Subhendu Sekhar Datta Chaudhuri & anr.
Vs.
The State of West Bengal & ors.

Sr. Adv. Billwadal Bhattacharyya,
Adv. Suryaneel Das,
Adv. Tamoghna Pramanik

...for the petitioners.

Adv. Amal Kumar Sen, Ld. AAG,
Adv. Mun Mun Ganguly,

...for the State.

Report submitted by the State is taken on record.

The petitioners filed a Title Suit before the learned Civil Court seeking declaration of their right, title and interest in respect of the plot in question. By a judgment delivered on 19th November, 2022, the learned trial Court allowed the prayer of the petitioners partly and granted a decree for declaration that the petitioners have permanent raiyati right with the right of occupancy over the property. The learned trial Court further granted a decree for permanent injunction restraining the principal defendants in the suit as well as villagers belonging to the Mohammedan community in Chakda and Benguma from converting any portion of the same into burial ground for Mohammedan community and/or disturbing and/or interfering in any manner with the possession of the plaintiffs/petitioners in respect of the property. An appeal has been preferred against the said judgment but no stay or injunction has been granted by the learned Appellate Court.

Learned counsel for the petitioners submits that despite such order, members of the local Muslim community have dug a portion of the land in question and buried a dead body on 12th October, 2025.

Learned counsel for the State submits that an enquiry is required to be held with regard to whether such act as alleged has been done by the Muslim community in the land in question.

In view of the above, this Court directs the Officer in charge, Tamna Police Station, being the 7th respondent herein, to cause an enquiry under the supervision of the Superintendent of Police, Purulia District Police, being the 6th respondent herein, to ascertain whether a dead body has been buried in the land in question on 12th October, 2025. If the result of the enquiry is the positive, necessary steps be taken by the said authority in terms of the judgment delivered by the learned trial Court on 19th November, 2022.

The entire exercise will be completed within one week from the date of communication of this order.

No fruitful purpose shall be served by keeping this writ petition pending.

Accordingly, the writ petition is disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)