

18-08-2025
Item No.22
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.25585 of 2023
Mohammad Mohiuddin
-vs-
Union of India & Ors.

Mr. Mujibar Ali Laskar
Mr. Parvez Hossain ...for the petitioner

Mr. Ashok Kumar Chakraborty, ASGI
Ms. Anamika Pandey ...for the Union of India

Mr. Soumitra Bandyopadhyaya, sr. govt. adv.
Ms. Suchana Banerjee ...for the State

1. The petitioner is aggrieved by the manner in which his property has been declared to be an enemy property.
2. Learned counsel for the writ petitioner asserts that the order of vesting was not made known to the petitioner whose predecessor-in-interest purchased the property in the year 1951.
3. The petitioner claims to be in possession of the said property. He got information of the vesting from the notice issued by the Block Land & Land Reforms Officer under Section 51A(4) of the West Bengal Land Reforms Act, 1955 dated September 20, 2023.
4. A representation from the petitioner is pending consideration before the Deputy Secretary to the Government of India, Ministry of Home Affairs, Office of the Custodian of Enemy Property for India (Annexure P9, p.54).
5. Prayer has been made to delete the property from

the list of vesting.

6. Learned Additional Solicitor General of India representing the Union of India opposes the prayer of the petitioner. It has been submitted that the writ petition challenging the order of vesting is not maintainable.
7. It has been submitted that as per Section 18 of the Enemy Property Act, 1968, the Central Government may, on receipt of a representation from a person aggrieved by an order vesting a property as enemy property in the Custodian within a period of thirty days from the date of receipt of such order or from the date of its publication in the Official Gazette, whichever is earlier and after giving a reasonable opportunity of being heard, may by general or special order, direct the Custodian that such property vested as enemy property in the Custodian may be transferred to the person from whom such property was acquired and vested in the Custodian.
8. Upon hearing the submission made on behalf of the parties and perusal of the documents placed before this Court, it appears that there are several factual issues which are required to be adjudicated prior to disposing of the prayer made by the petitioner.
9. The representation of the petitioner is pending consideration before the Ministry of Home Affairs. Accordingly, the instant writ petition stands disposed of by directing the Joint Secretary, Ministry of Home Affairs, Government of India to consider such representation in accordance with law at the earliest but positively within a period of four months from the date of communication of

this order. An opportunity of hearing shall be provided to the petitioner for production of relevant documents in support of his claim. A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

10. It is made clear that this Court has not entered into the merits of the claim of the petitioner and that all points are left open to be decided by the aforesaid respondent at the time of consideration of the said representation.
11. Learned counsel for the petitioner shall forward a copy of the representation to the said authority at the time of communicating this order.
12. Affidavit of service filed in Court be taken on record.
13. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
14. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

