

Item-  
4. 16-04-2026

sg Ct. 19

**WPA 6792 of 2026**

Abidur Rahaman Biswas & Ors.

Versus

State of West Bengal & Ors.

Ms. H. Hasin

Mr. Mobaidur Hossain

...for the petitioners

Mr. Chandi Charan De, AGP

Mr. Anirban Sarkar

...for the State

Mr. Sunil Gupta

...for the respondent no.4

Affidavit of service filed in Court is taken on record.

The petitioners claim to be the owners of a plot of land being plot no. 3633, within Mouza Surangapur, under Police Station Nowda, in the District of Murshidabad. The petitioners allege that on an earlier occasion, the Block Development Officer, Nowda attempted to put a fence around the property of the petitioners on the plea that a market complex would be constructed therein. The petitioners approached this Court by filing a writ petition, being CO 8118 (W) of 1985, and an order was passed on 10<sup>th</sup> May, 1988 directing the respondents not to interfere with the possession of the petitioners unless it has been acquired by the State and possession has been obtained in due course of law.

The learned Counsel appearing for the petitioners submits that presently the Block Development Officer, Nowda is again taking steps to construct a market complex by utilizing a portion of the property of the petitioners. In support of his contention, the learned Advocate for the petitioner draws the attention of the Court to the photographs and template which have been annexed at pages 22 and 23 of the writ petition. The petitioners also submitted a

representation dated 13<sup>th</sup> February, 2026 before various authorities including the Block Development Officer, Nowda raising an objection against the attempt to forcibly occupy the property of the petitioners for the purpose of making a market complex.

The learned Advocate for the petitioners submits that in spite of receipt of such representation dated 13<sup>th</sup> February, 2026, no decision on such representation has been communicated to the petitioners till date.

Mr. De, learned Additional Government Pleader submits that a decision on the representation of the petitioners shall be taken and communicated to the petitioners within the time limit as may be fixed by this Court.

In the light of the submissions made by the learned Advocates for the respective parties and taking note of the order dated 10<sup>th</sup> May, 1988 passed in CO 8118(W) of 1985, WPA 6792 of 2026 stands disposed of by directing the Block Development Officer, Nowda, being the fifth respondent, to consider the representation of the petitioners dated 13<sup>th</sup> February, 2026 and to dispose of the same by passing a reasoned order after affording an opportunity of hearing to the petitioners and any other persons/authorities, who may be affected by such decision or their authorized representatives and communicate the reasoned order to the petitioners and others and the entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the receipt of a server copy of this order along with a copy of the representation dated 13<sup>th</sup> February, 2026.

Needless to mention that the respondent authorities shall not create any disturbance in the peaceful possession of

the petitioners in respect of their property as mentioned in this writ petition without initiating any appropriate proceeding for acquisition and taking over possession in accordance with law.

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

**(Hiranmay Bhattacharyya, J.)**