

Court No. 19
(265719)

WPA 28414 of 2025

20.03.2026
(AD 34)
(S. Banerjee)

Hazi Mohammad Towfiqul Haque @ Md. Towfiqul Haque
Vs.
Union of India & Ors.

Mr. Debottam Das

...for the petitioner

Mr. Sukumar Bhattacharjee

...for the respondent nos. 1 and 3

It has been pointed out by Mr. Bhattacharjee, learned Senior Standing Council for the respondent nos. 1 and 3, that though he along with his junior, represented the Union of India but, in the said order it has been inadvertently recorded that he along with his junior represented the State.

Let such error be rectified.

It is recorded that Mr. Bhattacharjee, learned Senior Standing Council, along with his junior, represented the Union of India on February 2, 2026 in this writ petition.

This order shall form part of the order dated February 2, 2026.

Mr. Bhattacharjee learned Senior Standing Council, files the copy of the order dated October 20,

2016. A copy of such order has been supplied to the learned advocate appearing for the petitioner in course of hearing of this writ petition.

Learned advocate appearing for the petitioner submits that no document, which has been relied upon by the respondent authorities while passing the said order, has been supplied to the petitioner.

Since an appeal lies against the said order under Section 18 of the Enemy Property Act, this Court is not inclined to entertain this writ petition leaving the petitioner free to approach the appropriate authority, being the Joint Secretary, Ministry of Home Affairs, Government of India. Since no material has been produced before this Court to show that the said order was served upon the petitioner at an earlier point of time, if the petitioner approaches the appellate authority within four weeks from the receipt of a server copy of the order, the appellate authority shall consider the appeal and dispose of the same on merits without dismissing the same on the ground of limitation.

It will be open to the petitioner to approach the appellate authority or any other authority for the purpose of supply of any document which might have been relied upon by the custodian of enemy property

while passing the order dated October 20, 2016 and upon such an approach being made. Such authority shall supply such documents to the petitioner forthwith.

If an appeal is preferred within the time limit as indicated above, the appellate authority shall dispose of the same as expeditiously as possible after affording an opportunity of hearing to the petitioner and any other person who may be affected by the decision to be taken by such authority.

On a query of the Court, Mr. Bhattacharjee, learned Senior Standing Council, submits that the petitioner may prefer an appeal from the photocopy of the order dated October 20, 2016 supplied to him in course of hearing of this writ petition.

(Hiranmay Bhattacharyya, J.)