

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
APPELLATE SIDE**

WPA 28817 of 2025

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

Mr. Debottam Das, Adv.,
Ms. Sanchoita Ghosh, Adv.
... For the Petitioner.

Mr. Sukumar Bhattacharyya, Adv.,
Ms. Amrita Pandey, Adv.,
Ms. Ayushi Mishra, Adv.
... For Respondent Nos.1 & 3.

Mr. Sk. Md. Galib, Sr. Govt. Adv.,
Mr. Abu Siddique Mallik, Adv.
... For State.

1. The petitioner has challenged the notices dated 26th May, 2025 issued by the Additional Director of Land Records and Surveys, West Bengal and 16th June, 2025 issued by the Additional District Magistrate and District Land and Land Reforms Officer, Purba Bardhaman, in this writ petition.

2. The learned advocate, appearing for the petitioner, submits that in view of the provisions laid down under Rule 3 of the Enemy Property Rules, 2015, the procedure for identification of a property as an enemy property has to be initiated by the Custodian and the authorities who issued the aforesaid notices being the District Authority cannot initiate a proceeding for identification of a property as an enemy property.

3. Heard Mr. Bhattacharyya, learned Senior Standing Counsel, appearing for the respondent nos.1 and 3.

4. In course of hearing of the writ petition, Mr. Galib, learned Senior Government Advocate, files an undated report prepared by the Additional District Magistrate and District Land & Land Reforms Officer, Purba Bardhaman, which is taken on record. A copy of such report has been supplied to the learned advocate for the petitioner and Mr. Bhattacharyya, learned Senior Standing Counsel.

5. Upon going through the said report, this Court finds that the Block Land and land Reforms Officer, Raina-II, Madabdihi, Purba Bardhaman, after considering the land records, specifically stated in the Memo dated 12th July, 2025 that neither the plots enlisted in the khatian of Enamul Haque nor the plots involved in the khatian of Taufiqul Haque, that is, the petitioner herein of Mouza Madabdihi are enlisted in the schedule of the Enemy Property and such plots do not come with the provisions of the Enemy Property as per the provisions of the relevant statute. Upon going through the said report, the learned advocate, appearing for the petitioner, submits that the nothing survives to be decided in this writ petition. Such submission is placed on record. Accordingly, the writ petition stands disposed of.

6. In view thereof, the issue of jurisdiction raised by the learned advocate for the petitioner has become academic and the same is kept open to be decided in future litigation.

7. Parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Hiranmay Bhattacharyya, J.)