

Item-
12. 08-01-2026

WPA 29884 of 2025

sg Ct. 19

Zulfikar Ahmad Molla
Versus
State of West Bengal & Ors.

Mr. Mukteswar Maity
Mr. Monikar Sarkar
...for the petitioner
Mr. Jahar Lal De, AGP
Mr. Sudipta Panda
... for the State

Affidavit of service filed in Court is taken on record.

The petitioner claims to be one of the co-sharers of RS & LR plot nos. 1792 and 1793, within Mouza Yearpur, under Police Station Usthi, in the District of South 24 Parganas. The petitioner alleges that a boundary wall is sought to be constructed by the authorities of the Zilla Parishad by encroaching upon the properties of the petitioner. The petitioner submitted representation dated December 15, 2025 before various authorities.

The learned Advocate appearing for the petitioner submits that in spite of receipt of such representations, no decision has been communicated by the respondent authorities to the petitioner.

Mr. De, learned Additional Government Pleader, appearing for the State, submits that the property was put up for auction sale for arrears of rent in connection with the certificate case no. 25/77-78 and challenging such order, the petitioner preferred a writ petition being CR No. 2171(W) of 1989. He submits that the writ petition was dismissed for default and thereafter the same was restored by an order dated

May 2, 1984. The petitioner has not stated anything in this writ petition as to whether the aforesaid writ petition is still pending or not. He further submits that unless the auction sale is set aside in accordance with law, the petitioner cannot claim any right in respect of the property in question. He further submits that the plot in question has been recorded as Kabar Sthan. The petitioner has filed an application before the concerned authority praying for correction of the record of rights. In reply, the learned Advocate for the petitioner submits that the petitioner is still in possession of the properties in question.

However, since the representation has been submitted before the concerned authority alleging encroachment upon the properties, the respondent authorities are duty bound to communicate its decision on such representation.

In view thereof, WPA 29884 of 2025 stands disposed of by directing the Sub-Divisional Officer, Diamond Harbour, being the sixth respondent, to consider the representation dated December 15, 2025 and to dispose of the same in accordance with law by passing a reasoned order after giving an opportunity of hearing to the petitioner and/or other necessary parties and/or their representatives, which shall be communicated to the respective parties immediately thereafter.

The entire exercise shall be shall be completed by the sixth respondent as expeditiously as possible but positively within a period of eight weeks from the date of receipt of a server copy of this order.

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

(Hiranmay Bhattacharyya, J.)