06.11.2026
Ct. No. 3
Sl. No. 01
Subadip
Supplementary
Vacation Bench

WPA 31681 of 2026

Md Kabirul Islam
VS
State of West Bengal & Ors.

Mr. Samim Ahammed,
Ms. Ambiya Khatun,
Mr. Enamul Islam,
Mr. Asif Ekbal Baidya,
Mr. Nasirul Hayra
...for the petitioner

Mr. Somnath Adhikary,
Ms. P.P. Mandal.
...for the respondent no.12

Mr. Rajdeep Mazumder, Ld. AAG
Ms. Suchitra Sinha Chatterjee,
Mr. Mr. Milind Mohul Ghosh.
...for the State

1. There is a long pending dispute between the petitioner and the private respondents with regard to the ownership of plots no. 47, 48, and 49 situated at Golapbag, J.L. No. 50, Police Station and District Murshidabad.

2. Learned counsel appearing for the petitioner refers to an order dated 30th October, 2024 passed in C.O. 3799 of 2024 and submits that the permission granted by the respondents to the private respondents for holding Kali Puja, 2026 is liable to be set aside. By the said order a Coordinate Bench of this Court, inter alia, passed the following order:

"I find that there is merit in the submission on behalf of the opposite party no.3 and to maintain peace and for avoiding dispute, disturbance and breach of communal harmony in the locality permission may be given to the petitioner to organize Kali Puja on the said L.R. Plot No. 49 instead and place of L.R. Plot No. 46. The said report as submitted by the Inspector In-Charge, Murshidabad Police Station today be kept with the record.

I further find that if permission is given to the petitioner for organizing Laki Puja on the L.R. Plot No. 49 for the period of five days which would be commenced on and from 31.10.2024 in place and stead of L.R. Plot No. 46 then nobody will be prejudiced. Accordingly, the order passed by this Court earlier on 29.10.2024 is hereby modified to that extent that the petitioner shall be permitted to organize Kali Puja solely on the L.R. Plot No. 49 for the period of five days which would be commended on and from 31.10.2024.

The other portion of the order dated 29.10.2024 passed by this Court shall be remained unaltered.

The District Magistrate, Murshidabad and the Superintendent of Police Murshidabad are directed to keep vigil on the incident so that the

said Kali Puja, if organize, on the said L.R. Plot No. 49 be done peacefully and they shall take effective steps to maintain peace and to prevent any untoward incident in that locality.

It is made clear that the parties to the case shall not be permitted to claim any equitable right upon the said L.R. Plot No. 49 by dint of this order.

Accordingly, application being CAN 1 of 2024 in connection with C.O. 3799 of 2024 is hereby allowed."

3. The learned counsel appearing for the private respondents handed over a record of rights downloaded from the website, namely, 'Banglar Bhumi' from which it appears that the owner of the aforesaid plots no. 42 to 49 is 'the Custodian of Enemy Property for India, Ministry of Home Affairs, Government of India'. He submits that the petitioner does not have any right over the said plots of land. He further submits that he has already obtained permission from the respective authorities in accordance with law and he may be allowed to hold Kali Puja.

4. Learned counsel appearing for the State submits a report prepared by the Inspector-in-Charge, Murshidabad. The report indicates that Special Police Personnel as well as Central Police Forces have already been deployed round the clock

in the locality and peace and communal harmony of the locality are being maintained so that no untoward incident occurs.

5. Mr. Ahmed also refers to an order dated 2nd September, 2025, in Suit No. 38 of 2022, passed by the Waqf Tribunal, West Bengal. By the said order the parties were directed to maintain status quo in respect of the said plot. Per contra, the learned counsel for the private respondents submits that his clients are not parties to the said proceedings pending before the said Tribunal and therefore, the said order is not binding on them.

6. Having considered the rival submissions of the parties and the materials on record, it appears that the records downloaded from the website, namely, 'Bangler Bhumi' shows that the owner of the said property is the Ministry of Home Affairs, Government of India, which is contrary to the records relied upon by Mr. Ahmed. Therefore, there is a serious dispute with regard to the ownership of the plots no. 46 to 49.

7. In view of the above, the District Magistrate, Murshidabad / the respondent no. 4 or any responsible officer authorized by him is directed to consider the issue as to whether the private respondents are entitled to hold Kali Puja, 2026, by tomorrow after extending an opportunity of hearing to the petitioner and the private respondents. No

further notice for such hearing is required and service of notice is dispensed with. The District Magistrate or the authorized officer is directed to consider the issue by 3 P.M. tomorrow and to pass a reasoned order indicating whether the private respondents are entitled to hold Kali Puja, 2026. It is made clear that any permission or rejection shall not create any equity in favour of any of the parties.

8. The respondents and all parties are directed to act on the basis of the communication issued by the learned advocates.

9. The parties are at liberty to produce or rely upon any documents before the District Magistrate or the authorized officer by him.

10. In view of the above, the writ petitioner being **WPA 31681 of 2026** stands **disposed of**.

(Arjun Ray Mukherjee, J.)