

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

W.P.A. 176 of 2022

Sathi Chakraborty And Ors.
-versus
The State of West Bengal & Ors.

Mr. Deborshi Dhar
...For the petitioners

Mr. Hirak Barman
Mr. Momenur Rahaman
... For the State

Mr. Ujjwal Luksom
... For the Auqaf Board

The property in dispute is recorded as RS Plot No. 1074, RS Khatian No. 7152, CS Plot No. 621, CS Khatian No. 3451 converted to Khatian No. 7154 in the District- Jalpaiguri, Block- Sadar, Mouza- Kharia, Sheet – 25.

The petitioners claim to be the owner of the said land in question. The petitioners engaged a developer to develop the said property and construction is being made by and on behalf of the petitioners therein.

The Chief Executive Officer of the Board of Auqaf, West Bengal by a communication dated 15.02.2021 intimated the District Magistrate, Jalpaiguri and the Superintendent of Police, Jalpaiguri that the property is recorded in the name of Sonauilla Wakf Estate vide EC

No. -1464 and no permission has been granted from the office for making construction over the said plot of land. The Chief Executive Officer Board of Auqaf requested the Police and the District Magistrate to take necessary steps so that the Auqaf property may be protected in a proper manner.

On receipt of the said communication, the officers of the District Magistrate, Jalpaiguri and the Superintendent of Police have stopped construction of the said property.

The petitioners are aggrieved by the same.

It appears that there is a dispute as to who is the owner of the property in question. The same cannot be decided by the Writ Court. It will be open for the parties to approach the appropriate forum for declaration of their rights.

The writ petition stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, after completion of all legal formalities.

(Amrita Sinha, J.)