

19.10.2020
Court No. 19
Item No.14
CP

WPA 1833 of 2020

Maa Muktakeshi Potato
Freezing Private Limited & anr.
vs.
The State of West Bengal & ors.

(via video conference)

Mr. Debabrata Saha Roy,
Mr. Subhankar Das,
Mr. Neil Basu.

.....for the petitioners.

Mr. Sourav Prasad,
Ms. Lipika Ghosh.

....for the UBI.

Affidavit of service, filed in Court today, is kept on record.

This is a writ petition filed by owners of an adjacent land to the land owned by the respondent nos. 6 and 7. The petitioners claim to have purchased the said land from the State Bank of India at an auction. It is contended in this writ petition that respondent nos. 6 and 7 and their men and agents are creating hindrances when the petitioners are trying to demarcate their own area.

It is submitted on behalf of the United Bank of India that their employees have never obstructed the petitioners. As the petitioners and the bank have adjacent plots, joint inspection and demarcation would be necessary.

It appears that the State respondents who are empowered under the law to make such measurements and demarcation, have not been impleaded in this writ petition. Thus, no order can be passed on the prayers of the petitioners for a direction upon the State authorities to demarcate the area purchased by the petitioners and the area belonging to the United Bank of India.

As United Bank of India has now been amalgamated with the Punjab National Bank, this order shall bind the Punjab National Bank and/or its officers, as submitted by the learned advocate for the UBI.

Under such circumstances, this writ petition is disposed of granting liberty to the petitioners to approach the concerned Block Land and Land Reforms Officer, Joypur having jurisdiction over the area in question, within November 10, 2020, requesting for such demarcation of their land according to their deed of conveyance consequent upon their purchase at e-auction. If such application is made, then the Block Land and Land Reforms Officer, Joypur shall, upon notice to the United Bank of India or its successor bank (Punjab National Bank) as also the petitioners, fix a date for inspection, demarcation and further necessary action.

It is made clear that the demarcation will be on the basis of the title deeds of the respective parties.

The Block Land and Land Reforms Officer shall complete the inspection and pass a reasoned order and demarcate the area of the petitioner upon hearing all concerned within a period six weeks from receipt of the application of the petitioner.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

All parties are to act on a server copy of this order on usual undertakings.

(Shampa Sarkar, J.)