

23.09.2020.
Item no. 8.
Court No.13
ap

W.P.A. No. 5794 of 2020
With
CAN 1 of 2020 [Old No. CAN 3794 of 2020]
(Through Video Conference)

Nayan Mahato & Ors.
Versus
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya,
Mr. Aninda Bhattacharya.

...For the petitioners.

Mr. Suman Sengupta.
Mr. S. Panja.

...For the State.

Considering the urgency pleaded by the petitioners in CAN 3794 of 2020, the instant writ petition is taken up for hearing via video conference.

Accordingly, the application being CAN 3794 of 2020 is disposed of.

A short question raised in this writ petition is that the purportedly recorded owner of certain portion of land in Purulia District of West Bengal is not within the jurisdiction of the State of Bihar especially under the Bihar Private Forest Act, 1947.

Sometime in the year 1959, the said land was demarcated to fall within the territories of the State of West Bengal.

The State Authorities thereafter issued certain Notifications sometimes in the year 1962 in respect of the said land.

Counsel for the petitioners would contend that they are cultivating the said land and are Raiyats thereunder since the past sixty years. He submits that there are disputed question of fact that is evident here particularly as to how the petitioners could be in possession of the said land that was admittedly forest land, since the year 1947.

Be that as it may, there is a civil suit pending being Title Suit No. 470 of 2018 before the learned Civil Judge (Junior Division) 2nd Court, Purulia filed by the petitioner against the State.

The writ petition has been occasioned after disclosure of certain material and stand taken by the State in such Civil Court.

This Court is of the view that since there is already a civil suit pending, which is the subject matter of the instant writ application, the claims of the petitioners may be decided thereat.

I make it clear that the learned Civil Judge (Junior Division) 2nd Court, Purulia, who is in seisin of the suit, may take up the suit for hearing and dispose of the same as expeditiously as possible.

With the aforesaid observations, the instant writ petition shall stand disposed of without any order.

There will be no order as to costs.

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

(*Rajasekhar Mantha, J.*)