

19.10.2020.

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WPA 6632 of 2020
I A No. CAN 1 of 2020 (CAN 5466 of 2020)
(Via Video Conference)

Farida Khatun & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Sounak Bhattacharya
Mr. Barnamoy Basak
Mr. Sumitava Chakraborty
Mr. Dip Jyoti Chakraborty
... For the petitioners.

Mr. Siddhartha Lahiri
... For the respondent no. 10.

Mr. Soumitra Bandyopadhyay
Mr. Aritra Ghosh
.... For the State.

In this writ petition the petitioners seek to enforce their alleged right to remain in possession of a tract of land situated at Malda which stands vested in the State of West Bengal and possession whereof has been made over by the respondent no. 6, being the Block Development Officer (Kaliachak – III) to the respondent no. 10, being the Border Security Force, for their use. According to the petitioners, a meeting was held on December 12, 2017 by the Sub-Divisional Officer, Malda Sadar. In the said meeting the State respondents and the Border Security Force had agreed to allow them to retain possession of a portion of such vested land for their residential purpose. It is the grievance of the petitioners in this writ petition that neither the State

respondents nor the Border Security Force is allowing them to remain in possession of a portion of the said vested land.

Learned advocate appearing for the State respondents vehemently urged that the petitioners are the encroachers and they do not have any right to remain in possession of a portion of land which has been transferred to the Border Security Force. Learned advocate for the Border Security Force has also supported the contention raised by the State respondents.

Having considered the materials on record, I am unable to find that the petitioners have been able to substantiate their title or any right in respect of any portion of the said vested land, possession of which has been made over by the State Government to the Border Security Force. There is not a whisper of any estoppel against any of the respondent.

In view of the above, the writ petition WPA 6632 of 2020 stands rejected.

There shall, however, be no order as to costs.

(Ashis Kumar Chakraborty, J.)

