

16.07.2021
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W.P.A. 69 of 2020
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CAN 1 of 2020
(Suveniya Club, Ghagra & Ors. vs. State & Ors.)

Mr. Golam Mostafa
.... For the Petitioners
Mr. Jahar Lal De
Ms. Debjani Mitra
.... For the State

The petitioners assail the Memorandum dated 16th July, 2019 and the Memorandum dated 28th November, 2019 directing the petitioners to vacate the club premises which is being enjoyed by the petitioners. The petitioners submit that the petitioners are in occupation of the subject premises and seek to restrain the respondent authorities from interfering with their enjoyment of the premises. The petitioners further submit that the respondents be also restrained from interfering with the petitioners use, possession and control of the subject premises.

Mr. De, learned advocate appearing for the State submits that the petitioners are indirectly seeking to circumvent the impugned orders passed by the District Magistrate. He

submits that the land which the petitioners are enjoying is land which has vested in the State and the petitioners have no right, title and interest to use and occupy any portion of the subject premises.

I am of the view that the petitioners have been unable to demonstrate any iota of a legal right in respect of subject premises being enjoyed by the petitioners. On the contrary, the impugned orders categorically direct the petitioners to vacate the public land and deliver possession of the same to the concerned Block Land and Land Reforms Officer. The impugned orders are valid and proper and have not been set aside by any Court. It is obvious that the petitioners are seeking to indirectly circumvent the impugned orders on frivolous grounds.

In view of the aforesaid, I find no merit in this petition.

W.P.A. 69 of 2020 is dismissed.

Consequently, the application being CAN 1 of 2020 stands disposed of.

There will be no order as to costs.

Photostat certified copy of the order,
if applied for, be given to the parties on
compliance of requisite formalities.

(Ravi Krishan Kapur, J.)