

03/02/2021
Item No. 18 DL
Court No.38
S. DE

Through Video Conference

W.P.A. 3966 of 2020

Santosh Kumar Jana.

-Vs-

The State of West Bengal & Ors.

Mr. Ashwini Kr. Bera

Mr. Arijit Bera ...for the petitioner

Mr. Susovan Sengupta

Mr. Subir Pal

...for the State.

The petitioner says that he has been using a plot of land for access to his property. Excepting that road, there is no other access to his property. The land that he has been using for the last thirty-seven/thirty-eight years is vested land. He has made a presentation to the Block Land and Land Reforms Officer, Bhagwanpur, District Purba Midnapore (3rd respondent) for grant of a patta/long lease in respect of the land over which he has been exercising right of way.

Learned advocate for the State points out a note dated March 8, 2019 prepared by the concerned Block Land and Land Reforms Officer to the effect that there is no provision under the West Bengal Land Reforms Act, 1955 for granting such patta in respect of vested land.

The petitioner's counsel points out that after such note of the Block Land and Land Reforms Officer, a representation dated December 30, 2019 has been made by the petitioner to the Block Land and Land Reforms Officer. The petitioner desires to rely on certain other provisions of law including the Government Grants Act 1895 and a Government order dated December 26, 2012.

Having heard learned counsel for the parties, I direct the 3rd respondent being the Block Land and Land Reforms Officer, Bhagwanpour to take a reasoned decision on the petitioner's representation dated December 30, 2019 (annexure P-5 to the writ petition), in accordance with law and the applicable rules/regulations/circulars/notifications if any, within a period of eight weeks from the date of receipt of a copy of this order along with a copy of the writ petition, after giving an opportunity of hearing to the petitioner or his representative and any representative of the Government. The decision so taken shall be communicated to the petitioner within a week from the date of the decision.

I have not gone into the merits of the petitioner's case. It will be for the 3rd respondent to take an informed decision in accordance with law.

Since I have not called for affidavits, the allegations contained in the writ petition are deemed not be admitted by the respondents.

W.P.A. 3966 of 2020 is, accordingly disposed of.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Arijit Banerjee, J.)