

Item No.221

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

08.04.2021
Ct-24

W.P.A. 6314 of 2021
Bholanath Das & Anr.
v
The State of West Bengal & Ors.

Mr. A.K.Chattopadhyay
... for the petitioners

Mr. Ayan Banerjee
Ms. Debasree Dhamali
... for the State.

Mr. Udaynarayan Betal
Sk. Taslim Ali
... for the respondent no. 4

The petitioners pray for demarcation of their portion of the land by the State authorities. The private respondent disputes the claim of the petitioners.

The prayer of the petitioners for demarcation has been refused by the Additional District Magistrate and the District Land and Land Reforms Officer by a communication dated 19th October, 2020 mentioning that demarcation is not possible in respect of disputed land.

It appears from the submissions of the parties that the land in question is disputed. The private respondent is in possession of a portion of the plot of land. It will not be proper to direct the State authority to enter into the

private dispute of the parties and demarcate the land without the proper order of the Court.

Accordingly, the petitioners are relegated to the proper forum for adjudication of their disputes for declaration of their right, title and interest of the plot of land and thereafter get the same demarcated.

No other relief can be granted to the petitioners in the instant writ petition.

WPA 6314 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(**Amrita Sinha, J.**)