

Item No.12

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

15.03.2021
Ct-24

W.P.A.6590 of 2021
Samarendra Nath Das
v
State of West Bengal & Ors.

Mr. Sudeep Sanyal
Mr. Snehashis Jana
Ms. Lopamudra Moitra
Ms. Tutun Das
... for the petitioner.

Ms. Sipra Mazumdar
Ms. Prativa Ghatak
... for the State.

The petitioner claims to be the owner in respect of 0.5 decimals of land in Dag No.5124, Block- Gangarampur, J.L. No. 84, Mouza- Rajibpur, District- Dakshin Dinajpur. The record of rights in respect of the plot of land is recorded in the name of the petitioner.

The petitioner complains that the private respondents are making construction in the aforesaid plot of land under the Pradhan Mantri Awas Yojana by obtaining a plan from the Gangarampur Municipality.

The petitioner submits that he has lately come to know that the aforesaid plot of land has been vested under the provisions of the West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975. The record of rights in respect of Plot No. 5124 has been recorded in the name of private respondent as homestead. The petitioner has challenged the same before the learned West Bengal Land Reforms and Tenancy Tribunal and the same is pending consideration before the said Tribunal in the original application being OA No. 57 of 2020(LRTT).

The petitioner apprehends that, in the event, he succeeds in the aforesaid case before the Tribunal then the private respondents may still have a claim with regard to the construction in question in the aforesaid plot of land.

None appears on behalf of the private respondents despite service. Affidavit-of-service filed in Court is taken on record.

From the submission of the petitioner it appears that the private respondents are making

the construction over a vested plot of land upon obtaining the necessary sanction from the Gangarampur Municipality. The prayer of the petitioner for injunction restraining the Gangarampur Municipality not to give any effect or further effect to the sanction cannot be accepted at this stage.

Any step taken by the private respondents for construction over the said plot of land will depend upon the result of the Original Application that is pending consideration before the Land Reforms and Tenancy Tribunal.

With the aforesaid observation the instant writ petition stands disposed of.

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

Sh

(Amrita Sinha, J.)