

S/L 10
29.11.2021
Court. No. 19
GB

WPA 9120 of 2021

Pranab Kumar Das
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Sanjay Saha,
Mr. Probal Sarkar.*

...for the Petitioner.

Mr. Sujit Sankar Koley.

...for the W.B.S.E.D.C.L.

*Mr. Sudipto Panda,
Ms. Jhuma Chakraborty,
Ms. Munmun Tiwari.*

...for the State.

Mr. Pratip Kumar Chatterjee.

...for the Respondent Nos.8 & 10.

Affidavit-of-service filed in Court today be kept with
the record.

The petitioner has alleged unauthorized construction
by the West Bengal State Electricity Distribution Company
Limited (WBSEDCL) on C.S. Dag No.31, C.S. Khatian
No.213, Mouza-Ruppur, J.L. No.85, R.S. No.82, Touzi
No.254, P.S. Kandi, District-Murshidabad.

According to the petitioner, the father of the
petitioner, Netai Pada Das (since deceased) became the
owner of 21 decimals of land in respect of Plot Nos.31 and 32,
Mouza-Ruppur, pertaining to L.R. Khatian No.678. All of a
sudden, it was found that the said WBSEDCL was
constructing a customer care centre on the said plots in

question. Accordingly, the petitioner lodged a complaint before the municipality, alleging such unauthorized construction.

The matter was fixed today to enable the respondents to respond to the contentions in the writ petition.

The Manager, (HR & A), Murshidabad Region, WBSEDCL has filed some documents before this Court through the learned advocate, which indicates that the plots in question was purchased by the WBSEDCL from the father of the petitioner sometime in 1955, although the deed was registered in 1963. A copy of the deed has been produced before this Court. The description of the plots in the registered deed of sale is similar to the one over which the present dispute arises.

A copy from the web site of the 'Banglarbhumii.gov.in' has been produced to show that the land has been mutated in the name of the WBSEDCL.

As this is a dispute with regard to the and the correctness of the deed of sale, the writ court sitting in this jurisdiction cannot pass any orders pursuant to the records available before the Court. The municipality also submits that the WBSEDCL has been paying taxes in respect of the said plot since long and the customer care centre had been constructed long time ago, soon after the purchase.

Judicial review of any inaction, procedural irregularity, statutory violations or overt acts on the part of the municipality can be made by this court. Question of title,

question of validity of the sale between the petitioner's father and WBSEDCL are not to be gone into in this proceeding.

The writ petition is disposed of granting liberty to the petitioner to approach the appropriate forum in accordance with law. A copy of the document supplied to the Court be circulated amongst the learned advocates for the respondents.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)