

10.09.2021
rc/ct.no.10
Item No.23

WPA No. 20464 of 2017
Subrata Basu & Ors.
Versus
The State of West Bengal & Ors.
(VIA VIDEO CONFERENCE)

Mr. Dipankar Pal
Mrs. Kakali Naskarfor the petitioners

Mr. Lalit Mohan Mahata
Mr. P.B.Mahata ...for the State

Supplementary affidavit filed by the learned advocate appearing on behalf of the petitioners be taken on record.

Heard the learned advocates appearing on behalf of the parties.

The prayer of the petitioners in the present writ petition is for an order upon the respondents to cancel/ rescind/set aside/quash the impugned order of vesting being order no. 3 dated 26.08.2016 and order dated 30.06.2017. The petitioners further pray for consideration of vesting of the land of the private respondent no. 5 who is the vendor of the petitioners and excluding the 12 acres of land belonging to the petitioners.

Learned Advocate appearing on behalf of the petitioners refers to an order dated 22.11.2018 passed by the Additional District Magistrate and Additional Land and Land Reforms Officer, 24-Parganas (South) in an appeal under Section 54 of the West Bengal Land Reforms Act 1955 (hereinafter referred to as "the Act") wherein a direction was issued upon the Revenue Officer under

Section 14T(3) of the Act to correct the record of rights in respect of the disputed land in terms of the observation made in the said order.

The petitioners submission is that it was decided in the said appeal that an area of 12 acres of land would be acquired from the portion of land owned by the respondent no. 5 and the land of the petitioners measuring about 12 acres would be excluded from such vesting.

Therefore, nothing remains in the writ petition as prayer of the petitioners has been answered.

I, therefore, dispose of the writ petition with a direction upon the respondent no. 4 to act in terms of the order dated 22.11.2018 passed in L.R.Appeal Case No. 94 of 2017 within a period of three (3) months from date.

Accordingly, this writ petition being WPA No. 20464 of 2017 is disposed of.

There shall be, however, no order as to costs.

Since no affidavits are invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

(Suvra Ghosh,J)