

Item No.10

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

05.03.2021
Ct-24

W.P.A. 19434 of 2019
Gajlur Rahaman & Ors.

v

The State of West Bengal & Ors.

Mr. Atarup Banerjee
Md. G.N. Imrohi
... for the petitioners.

Md. Sarwar Jahan
Mr. Anisur Rahman
... for the respondent nos. 6,7 & 8.

None appears on behalf of the State respondents despite service.

The petitioners claim that the property in question has been recorded in their name. Copy of the record of rights has been annexed to the writ petition. The petitioners pray for a direction upon the respondent Pradhan for permitting them for constructing the boundary wall over the said land.

The learned advocate representing the private respondents submits, upon instruction, that the land in question is vested land and the recording has been made in favour of the petitioners erroneously and an enquiry report to that effect has been recorded by the BL & LRO,

Domkal, Murshidabad on February 4, 2019. The aforesaid enquiry report has been communicated to the Additional District Magistrate –cum- the District Land & Land Reforms Officer, Murshidabad vide Memo No. 66 dated February 6, 2019.

In the said report it has been specifically mentioned that Plot No. 1229 is recorded in the name of Gajlur Rahaman, Azizul Islam, Hamidul Islam Mondal and Bacchu Sk. They have no possession of the suit plot and the land in question is used as playground. It is also recorded that the land in question is vested to the State and patta was given in the name of one Azizul Haque.

From the submissions made on behalf of the parties it appears that the title of the land in question is in dispute.

The petitioners are granted leave to approach before the Additional District Magistrate-cum-District Land & Land Revenue Officer, Murshidabad with a copy of the report of the BL & LRO, Domkal for taking necessary action with regard to their prayer seeking permission for construction of the boundary wall over the said plot of land. In the event, the petitioners approach before the Additional District Magistrate-cum-District Land & Land Reforms Officer, Murshidabad, necessary steps shall be taken by the said authority strictly in accordance with law, after giving an

opportunity of hearing to all the parties within a period of four months from the date of communication of a copy of this order. The communication of the BL & LRO, Domkal, Murshidabad dated February 6, 2019 is retained with the records.

Leave is granted to the learned advocate-on-record to implead the Additional District Magistrate-Cum-the District Land & Land Reforms Officer, Murshidabad as party respondent in the instant writ petition.

As copy of this writ application has already been served upon the State respondents further service of a copy of the writ petition upon the added respondents is dispensed with.

WPA 19434 of 2019 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.**)