

Item- 04-08-2021
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WPLRT 102 of 2018
With
CAN 1 of 2020 (old CAN 2387 of 2020)

M/s. Chandmani Tea Company Ltd. & Anr.
Versus
State of West Bengal & Ors.

sg Ct. 16

(Through Video Conference)

Mr. L.K. Gupta, Sr. Adv.
Mr. Suddhasatva Banerjee, Adv.
Mr. Deepan Kr. Sarkar, Adv.
Mr. Arunabha Deb, Adv.
Mr. Ayush Jain, Adv.
...for the petitioners

Mr. Kishore Dutta, Ld. AG
Mr. Chandi Charan De, Adv.
Mr. Soumitra Bandyopadhyay, Adv.
Mr. Subhasis Bandyopadhyay, Adv.
...for the State

The affidavit filed by the State disclosing the inspection report dated 13th November, 2019 in relation to the plots of land forming the subject matter of the writ petition is taken on record.

In the affidavit it is stated that the inspection of the plots of land in question was conducted on 25th September, 2019 and after completion of inspection, report dated 13th November, 2019 of the B.L. & L.R.O., Matigara was forwarded to the District Magistrate, Darjeeling.

It is not disputed that the inspection was conducted upon notice to the writ petitioners and it is now evident from the said inspection report that the claim raised by the writ petitioners with regard to user of the land in question is substantially found

to be correct.

Mr. L.K. Gupta, learned Senior Counsel, appearing on behalf of the petitioners submits that on the basis of the calculation made by him, it appears that about 79.38 acres of land are being used by the writ petitioners for tea cultivation and activities connected therewith, apart from more or less 60 acres that was originally found to be in use by the writ petitioner. This factum is not in dispute.

In view thereof, the impugned order of the Tribunal is set aside. We accordingly hold that the writ petitioner company is entitled to retain the quantum of land as indicated in the inspection report which are being used for the purpose of tea cultivation and activities connected therewith apart from more or less 60 acres that was originally found to be in use by the writ petitioners.

The State authorities are, accordingly, directed to rectify and correct their records as to the land holding of the writ petitioners. The lands, which are not in use by the writ petitioners and found to be in excess of the area as mentioned in the said report, shall be resumed by the State.

A prayer is made for expeditious disposal of the application for renewal of lease.

We direct the authorities concerned to consider the application for renewal of lease in terms of the report and the order passed by this Court, within eight weeks from date.

WPLRT 102 of 2018 and CAN 1 of 2020 (Old CAN 2387 of 2020) are accordingly, disposed of.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)

(Soumen Sen, J.)