

20.09.2022

Court No.32
rpan/05

FMA 2041 of 2018

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IA No.: CAN 1 of 2018 (Old No.: CAN 634 of 2018)

Sayed Moniruddin & Others

- Versus -

The State of West Bengal & Others

Mr. Sanat Kumar Roy,
Mr. Abhishek Banerjee
... for the Appellants.

The present appeal has been preferred against an order dated 22nd June, 2017 passed in W.P. 15572 (W) of 2017.

Mr. Roy, learned advocate appearing for the appellants submits that the appellants inherited the plots of land as detailed in paragraph 2 of the writ petition and their names have been incorporated in the record of rights. As the PWD authorities were forcibly attempting to change the nature and character of the appellants' land, the appellants submitted a representation to the respondent nos.4 and 5 on 11th May, 2017. In response thereto, the respondent no.5 intimated by a letter dated 17th May, 2017 that the plot nos.373 and 395/853 have no relation with the department. It is the contention of Mr. Roy that in spite of such declaration, the PWD authorities have illegally trespassed into the land and are attempting to change the nature and character of the same. Such facts were not taken into consideration by

the learned single Judge while passing the order impugned in the present appeal.

A perusal of the impugned order reveals that the learned single Judge refused to interfere in the matter since the appellants had not been able to establish their title to the property. It was also observed that such title cannot be claimed only on the basis of incorporation of the names of the appellants in the record of rights.

We do not find any infirmity in such observations made by the learned single Judge and as such, no interference is called for in the present appeal.

Needless to observe, the appellants would be at liberty to approach the competent forum for establishment of their title to the property, in accordance with law.

With the above observations and directions, the appeal and the connected application are disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)