

14.03.2022.
Item No. 13.
Court No.13
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**W.P.A. No. 3358 of 2022
(Through Video Conference)**

**Asish Dutta
Versus
The State of West Bengal & Ors.**

Mr. Raghunath Adhikary,
Ms. Tanaya Banerjee.

...For the petitioner.

Mr. Santanu Kumar Mitra,
Mr. Mirza Kamruddin.

...For the State.

Mr. Victor Dutta.

...For the respondent no.6.

Mr. Pankaj Kumar Mukherjee,

...For the respondent no.8/Bank.

Mr. Debabrata Saha Roy,
Mr. Subhankar Das,
Ms. Neil Basu.

...For the respondent no.9.

Pursuant to an order dated 19th October, 2020 passed by a Co-ordinate Bench of this Court in W.P.A. No.1833 of 2020 (Maa Muktakeshi Potato Freezing Private Limited & Anr. – Vs. – The State of West Bengal & Ors.) and the order dated 11th August, 2021 passed in W.P.A. No. 10145 of 2021 by this Bench, the Block Land and Land Reforms Officer, Joypur demarcated the land allegedly belonging to one Maa Muktakeshi Potato Freezing Private Limited and handed over the possession thereof to the respondent no.9. The Punjab National Bank was a respondent in the said proceeding.

The writ petitioner herein submits that he is another constituent of the said Punjab National Bank.

It is submitted that he has mortgaged a separate property on which the Rice Mill called “Maa Jagat Gouri Rice Mills Pvt. Ltd.” is located. The writ petitioner submits that the Block Land & Land Reforms Officer, Joypur has, pursuant to the aforesaid orders (supra) wrongly included within the land of the respondent no.9, the land and factory of the writ petitioner as well. The Punjab National Bank is the mortgagee.

Records of the petitioner’s rights are annexed to the writ petition in the form of extracts from the live data of the Office of the Land & Land Reforms & Refugee Relief and Rehabilitation Department.

Punjab National Bank, the culprit, who has been silent all this while, supports the case of the writ petitioner and prays that the demarcation should be effected afresh.

In that view of the matter, the Block Land & Land Reforms Officer, Joypur, shall after examining the title deeds of the writ petitioner as well as the respondent no.9 and all other interested parties, particularly, the Punjab National Bank, re-visit the demarcation and re-prepare the sketch map already done by him. The demarcation is to be supported by a reasoned order. All the interested parties shall be entitled to file a representation along with copies of their respective document of title.

The boundary wall already constructed by the respondents shall abide by any fresh order that may be passed by the Block Land & Land Reforms Officer, Joypur and any fresh sketch map that may be prepared pursuant to the aforesaid orders.

Let the aforesaid exercise be completed by the Block Land & Land Reforms Officer, Joypur within a period of 45 days from date. A reasoned order shall be passed by the Block Land & Land Reforms Officer, Joypur, and for a period of one month thereafter, the assets of the writ petitioner, particularly in connection with Maa Jagat Gouri Rice Mills Pvt. Ltd., shall not be disturbed by the respondent no.9 or the Punjab National Bank.

A fresh inspection by the Block Land & Land Reforms Officer, Joypur shall be done upon notice to all the parties and all parties shall be heard before passing of the reasoned order.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

