

30.08.2022
Court No. 19
Item 587 (ML)
CP

WPA No. 4731 of 2022

Alok Kumar Khatua
Vs.
The State of West Bengal & ors.

Mr. Bhaskar Chandra Manna
...for the petitioner.

Mr. Sudipto Panda
Ms. Munmun Tewary
...for the State.

Mr. Manish Kr. Das
...for the respondent nos. 7 to 9.

The petitioner submits that the petitioner's brother was the recorded bargadar in respect of the lands in question. After the demise of the brother, the petitioner was the sole heir and legal representative.

Accordingly, the petitioner applied before the concerned Block Land and Land Reforms Officer for recording his name as the bargadar in place of his deceased brother. Such application was rejected. An appeal was preferred. The appeal was also rejected. The Block Land and Land Reforms Officer found that the land owner was cultivating the said plot. That there was a bar under Section 2(2)(i) of the West Bengal Land Reforms Act, 1955, in recording the name of the petitioner as a bargadar.

The allegation that the authorities under the Land Reforms Act had wrongly passed the orders, upon a misconception of law, cannot be decided in this proceeding. Challenge to the order of the District Land & Land Reforms Officer, is also pending before the learned Land Reforms and Tenancy Tribunal. It appears that the proceedings before the Land Reforms and Tenancy Tribunal, was dismissed for default. The petitioner has taken steps for restoration of the said application. No order has yet been passed.

Learned advocate for the respondent nos. 7 to 9/land owners, submits that the petitioner does not have any locus to file the writ petition, inter alia, praying for police help to continue with the cultivation. He further submits that the petitioner also does not have any locus to file the writ petition, inter alia, challenging the conversion of the land.

However, the police authorities have filed a report and it appears that an enquiry was made. Prosecution under Section 107 of the Cr.P.C. was submitted against the respondent nos. 7 to 9. The police are keeping a vigil. The police report is taken on record.

The writ petition is disposed of directing the police authorities to continue with the vigil and ensure that no unlawful activity takes place on the land in question.

The other prayers of the petitioner for an order against the respondent nos. 7 to 9, restraining them from interfering with the petitioner's cultivation and also with regard to the initiation of proceeding against alleged conversion of the land, have to be decided by the appropriate fora.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)