

WPA (P) 135 of 2022

Rina Mukherjee & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Gopa Biswas, Advocate

... for the petitioners

Mr. Jishnu Chowdhury,

Ms. Amrita Panja Moulick, Advocates

... for the State

Ms. Sayantanee Bhattacharjee, Advocate

...for the respondent nos. 14 to 16

In this writ petition, the prayer is to restrain the private respondents from carrying out any activity on the land in question.

The petitioners are stated to be local residents of Nadikul area and their case is that the private respondents have almost demolished the park in Nadikul area and that the police authorities remained inactive. It is stated that the land admeasuring 22 kathas being Dag no. 3803, 3804, 3805, 3806, 3807, 3809, Khatian No. 1720, Mouza – Dakshin Nimta, J.L. No. 8, Block – Barrackpore II, District – North 24 Parganas was used by the children as playground and was maintained by Nadikul Unnayan o Kalyan Samity as there was no claimant of the said land. It is alleged that the petitioners had come to know that the said property originally belonged to one Nirmala Sundari Sengupta and that now Rudrani Sengupta is claiming to the owner

of the property and trying to oust the petitioners from the said land.

Learned Counsel appearing for the respondent nos. 14 to 16 has pointed out that Rudrani Sengupta had already died on 6th of January, 2022. In view of this, the main grievance raised against Rudrani Sengupta no longer survives.

That apart, it is noticed that the petitioners have failed to point out any official record indicating that the land in question was earmarked for the park or it belongs to the State or the petitioners' society. No reliable material relating to the title of the land has been placed on record nor any statutory right in favour of the petitioners to use the land in question as a park has been pointed out. As per the petitioners' own pleading, they are not the title holders of the land.

In these circumstances, no case is made out to issue any direction in the present public interest petition which is accordingly, dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)