

June 6, 2022
Sl. No.27
Court No.1
s.biswas

WPA (P) 143 of 2022

Haradhan Ghosh and others
vs.
The State of West Bengal and others

Ms. Susmita Saha Dutta,
Mr. Sandipan Maity,
Mr. Raj Kumar Sain, Advocates
... for the petitioners

Mr. Md. Sarwar Jahan,
Mr. Anisur Rahaman,
Mr. Maidul Islam Kayal,
Mr. Binay Shaw, Advocates
... for the respondent Nos.12 to 13

Mr. Jahar Lal De,
Mr. Amal Kr. Sen,
Mr. Shamim Ul Bari, Advocates
... for the State

The grievance raised in this petition is that the land situated at Mouza Binkar, J. L. No. 10, Plot No. 1119, Khaian Nos.708, 854, 1066, 1908, 1916 under Beldanga Police Station within the District Murshidabad is an agricultural land which is being illegally used as graveyard by the private respondents.

Learned counsel for the State, on instruction, has informed that earlier the place for burial was chosen near the temple, but on account of objection the same has been shifted to a different place and the part of the land as alleged by the petitioners is not being used as graveyard. This aspect has been disputed by the learned counsel for the petitioners.

The record reflects that the petitioners' mass representation dated 02.03.2022 is already pending

before the respondent No.2 (District Magistrate, Murshidabad). The disputed question of fact raised before this Court can be more appropriately inquired into and decided by the respondent No.2. The issue relating to use of agricultural land as graveyard has also been raised, which can be ascertained by the respondent No.2 on the basis of official record.

Hence, we dispose of the present writ petition directing the respondent No.2 to duly consider the representation of the petitioners dated 02.03.2022 after giving an opportunity of hearing to all the concerned parties and after getting a spot inspection and inquiry conducted, if required and take an appropriate decision in accordance with law.

Let this exercise be completed by the respondent No.2 within a period of 8 weeks from the date of receipt of the copy of this order.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]