

18.07.2022
Court No. 19
Item no.03
CP

W.P.A. No. 7686 of 2021

Uttam Kumar Pandey
Vs.
The State of West Bengal & ors.

Mr. Pankaj Halder
Mr. Sanatan Panja
Mr. Tapas Manna

...for the petitioner.

Ms. Sipra Majumdar
Mr. Khairul Alam

...for the State.

Mr. U.A. Dewan
Mr. A. Dewan

...for the respondent no. 3.

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
Mr. Soumik Dey

...for the respondent no. 5.

The only allegation of the petitioner is that the respondents 5 to 8 have been pressurizing the petitioner to purchase building materials from them. The petitioner alleges to have started a construction of a house under the PMAY Scheme.

It appears that there is a dispute with regard to the plot in question and a civil suit is pending.

The petitioner relies on an order passed by the Block Land & Land Reforms Officer under Section 50 (1)(f) of the West Bengal Land Reforms Act, 1955, in order to demonstrate that on the prayer of the

petitioner for correction of the record of rights, the name of the family members of the respondent No. 5 were directed to be entered in the record of rights by preparing a separate Khatian.

However, this court is not required to go into the dispute of title and possession with respect to the two disputed plots, namely, RS Plot No. 296/692 corresponding to LR Plot No. 295 and LR Plot No. 692. Whether both the parties are enjoying separate portions of the same LR Plots under different khatians or whether the dispute is over the selfsame plot, cannot be decided either by this court or by the police authorities.

The police report also indicates that there were proceedings for correction of the record of rights and the entry of the name of the vendor of the respondent no. 5 and/or the predecessor, was found to be erroneous.

The police authorities, however, apprehending breach of peace, have already submitted a prosecution under Section 107/116(3) of the Cr.P.C. All that the police authorities are required to ensure is that there should not be any syndicate operating in the area in order to extort money or to force the prospective builders or persons constructing in their own lands, to buy building from a particular person or group. The police report is taken on record.

As no affidavit has been called for, the allegations against the respondents are deemed to be denied.

The writ petition is disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)