

23.06.2022
Item No.21
Court No.6.
S. De

**F.M.A. 1230 of 2021
I.A. CAN 1 of 2021**

**Pally Samaj.
Vs
State of West Bengal & Ors.**

Mr. Swarup Banerjee,
Mr. Prabhat Kumar Singh,
Mr. Buddhadeb Ghoshal,
Mr. Arindam Chatterjee,
...for the appellant.
Mr. Chandi Chran De, Ld. Addl. Govt. Pleader,
...for the State.

Liberty is granted to the appellant to add the District Magistrate, Howrah as a party respondent to this appeal. Let appropriate amendment be carried out to the cause title of the appeal papers by learned advocate-on-record for the appellant.

By consent of the parties, the appeal and the connected application are taken up together for hearing.

The appellant is a registered club. The appellant says that it has been in possession of the land in question for over sixty years. The appellant has relied on copies of Parcha to show that it has been in possession of the land in question with the permission of the Government.

It appears that the appellant approached the concerned authority for granting a permanent

settlement in its favour by executing a long term lease in respect of the land in question. The appellant has drawn our attention to a report of the B.L.& L.R.O., Bally, Jagacha, Howrah wherein it is stated, inter alia, that the the B.L.&L.R.O. is of the opinion that the club may be allowed to retain the new construction covering an area of around 5 decimals on a long term lease. Our attention has also been drawn to a Memo dated December 14, 2012, addressed by the Assistant Secretary to the Government of West Bengal to the District Magistrate and Collector, Howrah which reads as follows :-

“Sub : Matter pertaining to long term settlement of 0.20 acre of Land in Plot No.LR-2998 of Mouza Chakpara, JL No.11, Dist. Howrah in favour of Palli Samaj.

In sending herewith the photocopy of a petition bearing No. PS/36/5/2012 dated 20.07.2012 of the President and the Secretary, Palli Samaj which will speak for itself, the undersigned is directed to request him to kindly look into the matter and if feasible, kindly furnish a formal proposal of Long Term Settlement to this Department along with all relevant papers for next course of action”

The appellant says that since after issuance of the said Memo, there was complete inaction and silence on the part of the authorities, the appellant approached the learned Single Judge by filing W.P. No.12592(W) of 2018. The learned Judge dismissed the writ petition observing that the appellant could not demonstrate any legal right in its favour.

We have heard learned counsel for the writ petitioner/appellant and the State. it seems that the State is agreeable to consider the appellant's request for grant of long term lease in his favour as would appear from the Memo dated December 14, 2012, referred to hereinabove.

Accordingly, we direct the District Magistrate, Howrah, being the added respondent, to take action in terms of the Memo dated December 14, 2012, addressed to him by the Assistant Secretary to the Government of West Bengal and take the issue of consideration of execution of a long term settlement in favour of the appellant/club to its logical conclusion, in accordance with law, within a period of four months from the date of receipt of a copy of this order along with a copy of the stay petition. the added respondent may, and it is desirable that he should grant an opportunity of hearing to the authorized representative of the appellant/club before taking action in the matter.

The order under appeal is set aside.

F.M.A. 1230 of 2021 is, accordingly, disposed of along with the application being I.A. No. CAN 1 of 2021.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Rai Chattopadhyay, J.)

(Arijit Banerjee, J.)