

19.01.2022
Item No.9
srm

W.P.A. No. 12387 of 2021

Sri Debabrata Bera

Vs.

The State of West Bengal & Ors.

Mr. Satyendra Agarwal,
Mr. Tarak Nath Sarkar

...for the Petitioner.

Mr. Malay Krishna De,
Mr. Prabir Kumar Dey

...for the State-Respondents.

Mr. Sudeep Sannyal,
Mr. Snehasis Jana

...for the Respondent Nos.11 ,12, 13&16.

Perused the report filed by the Block Land and Land Reforms Officer, Daspur-I, Paschim Medinipur after holding an inspection of the entire area in question with the help of the Amin. A sketch map and a report prepared by the Revenue Inspector of BL&LRO, Daspur-I are also before the Court. The inspection was held in the presence of the petitioners as also the local villagers and the respondent Nos.11 to 16. According to the report, Plot No.155/490 measures around 0.10 acres, as per the LR Mouza map. The petitioner has been enjoying 0.07 acres thereof being the recorded owner of the quantum of the said land purchased by deed No.2822 of 1980. The construction of a Kali Temple has been found on the

remaining 0.03 acres of land, which is outside the area enjoyed by the petitioner as per the inspection made by the authority. It further appears from the report of the Revenue Inspector that Plot No.155/490 and 9 other plots had been curved out from the original C.S. plot No.468. The inspection revealed that there were some inconsistencies with the recorded areas and sheeted areas of the so-called curved out bata plots and the Block Land and Land Reforms Officer, Daspur-I has submitted that inconsistencies will be removed as per procedure. The Revenue Inspector has specifically stated that on approximately 0.03 acres a two storeyed building has been constructed for Sri Sri Maa Anandamoyee Sebashram. Reports filed by the BL&LRO, Daspur-I and the Pradhan, Daspur-I Gram Panchayat are taken on record.

The petitioner also relies on some information given by the Pradhan of the Daspur-I Gram Panchayat under the Right to Information Act, indicating that no permission had been granted for any construction.

Mr. Sanyal, learned Advocate appearing on behalf of the respondent Nos.11, 12, 13 and 16, submits that the said respondents do not have any connection with the construction of the said Ashram. He further submits that a civil suit has been filed on false and frivolous grounds against the said

respondents. However, this order and the measurements so made and submitted before this Court shall not be used by any party in the civil suit which shall continue on its own merits.

As it is now evident that the Ashram has not been constructed on the alleged land of the petitioner, the only question which remains to be decided is whether there has been any unauthorised construction by the local villagers which has not yet been addressed by the Pradhan of Daspur-I Gram Panchayat, Daspur-I Block, Paschim Medinipur. If the petitioner makes any further complaint with regard to any unauthorised construction within Daspur-I Gram Panchayat, the said complaint shall be disposed of upon considering the rival contentions of the petitioners, the respondent Nos.11 to 16 and the local villagers, who are connected with the Ashram/Temple.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)