

S/L 6
18.08.2022
Court. No. 19
GB

WPA 16048 of 2022

Sri Tapan Giri
VS
The State of West Bengal & Ors.

Mr. Sridhar Chandra Bagri.

...for the Petitioner.

*Mr. Amal Kumar Sen,
Mr. Jaladhi Das.*

...for the State.

Affidavit-of-service filed in Court today, is kept with the record.

The allegation of the petitioner is that, the Officer-in-Charge of the Harwood Point Coastal Police Station, that is the respondent no.9 entered into the plot of the land of the petitioner, threatened the petitioner and his men and agents with dire consequences and also asked for bribe. It is the specific contention of the petitioner that the land was purchased by him and conversion from 'Sali' to 'Bastu' had been carried out by the appropriate authority. It is further contended that on the false complaint filed by the respondent no.9, the Block Land and Land Reforms Officer, Kakdwip, South 24 Parganas has initiated a proceeding under Section 57 of the West Bengal Land Reforms Act, 1955 and notices have been issued to the petitioner to attend such proceeding.

The petitioner alleges that an independent agency must be directed to enquire into the matter and it is further submitted that the proceeding before the authorities under the West Bengal Land Reforms Act, 1955 must be set aside and quashed by this Court in view of the conversion of the land to 'Bastu'.

The Sub-Divisional Police Officer, Kakdwip, Sundarban Police District has filed a report in the form of an instruction. It appears that enquiry was made on the basis of the complaint lodged by the petitioner. Allegation of bribe and threat which were made against the respondent no.9 was not substantiated. It appears that some persons tried to fill up the land, which is the subject matter of the dispute before this Court. The said land had been marked as 'PR 8' and connects to Jetty No.5 on Muri Ganga. 'PR 8' is considered to be of grave importance during the Ganga Sagar Mela and the pilgrims and other officials assemble in the said plot. The emergency units of the Government departments are also established on the same. Temporary camps of PWD, PHE and other NGOs are erected and it also serves as a parking zone.

The officials of Harwood Point Coastal Police Station found that the land was being filled up with earth. Immediately, intimation was sent to the Block Development Officer and Block Land and Land Reforms Officer, Kakdwip by the Officer-in-Charge, Harwood Point Coastal Police Station. It was informed to the said police authorities that one Tapan Giri/petitioner had purchased a land being L.R. Dag No.322, Mouza-Kalinagar, J.L. No.10, Khatian No.9693. The Block Development Officer, Kakdwip and the Block Land and Land Reforms Officer, Kakdwip inspected the land in the presence of the petitioner and the Officer-in-Charge, Harwood Point Coastal Police Station.

It now appears that proceedings have been initiated under Section 57 of the West Bengal Land Reforms Act, 1955. The petitioner has been issued notice. The petitioner is at liberty to contest the proceeding. The petitioner is also at liberty to avail of all other remedies available under the West Bengal Land Reforms Act. The police authorities having already intimated the issue to the appropriate authority, they do not have any other function with regard to the land in question, unless further directions are issued by the competent authority. The competent authority is already in seisin of the matter.

All the points raised by the petitioner in this writ petition, including payment of huge consideration money to his vendor, cannot be gone into by this court and may be taken before the appropriate authority.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)