

08.09.2022
Court No.13
Item No.42
AP

WPA 16214 of 2022

**Sri Krishna Naskar
Vs.
The State of West Bengal & Ors.**

Mr. M. Sasmal
Mr. Md. Hasanuz Zaman

... For the Petitioner.

Ms. Sipra Mazumdar
Ms. Sangeeta Roy

... For the State.

Mr. Rajdeep Bhattacharya
Mr. Sanjib Sankar Mazumder

... For the Respondent Nos.10 & 11.

The petitioner claims that he is a lawful Bargadar of a portion of land. Reliance is placed on an order of the B.L. & L.R.O., South 24-Parganas in Case No.66/2008 under Section 21D of the West Bengal Land Reforms Act, 1955. The petitioner's name has also been recorded as Bargadar in respect of the said land. In the said order one Akshay Kumar Sardar has been shown as recorded owner of the land. The petitioner has sought to challenge the name of the private respondents as the recorded owner of the said property.

Counsel for the private respondents submits that they are the lawful purchasers of the said property from the original recorded owner. It is also submitted that their names i.e. Sukumar Naskar and Sankar Naskar had been recorded as lawful owners of the property.

Counsel for the private respondents also submits that they have no objection to the petitioner dealing with the land in question.

In view of the above, the petitioner's apprehension may be misplaced. The petitioner cannot question the title of the private respondents vis-à-vis the original recorded owner. This is a dispute between the private respondents and such original recorded owner, if any.

Petitioner may continue peaceful cultivation. The Officer-in-Charge, Bakultala Police Station shall ensure that the petitioner's cultivation is not disturbed.

The issue as regards who is the original land owner as on date may be agitated by the private respondents with the appropriate authority in law. Delivery of the share to the private respondents, claiming to be lawful owners, shall constitute sufficient discharge of the petitioner's responsibilities as Bargadar under the West Bengal Land Reforms Act, 1955.

Notice of this order shall be given by the petitioner to whom the petitioner may consider or the actual recorded landowners.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)