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12.08.2022
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W.P.A. 16659 of 2022
Mirjapur Fishermen Cooperative Society & Ors.
Vs.
State of West Bengal & Ors.

Mr. Avishek Prasad
Ms. Sreetama Neogi
.... For the Petitioners

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
.... For the State

The petitioners are the lessees in respect of a portion of Boalmari Suti Jalkar by virtue of tender granted in their favour on 25th May, 2018. The petitioners complain that they have been enjoying 23.73 acres of the said Jalkar though they have been paying lease rent for 36.23 acres. The petitioners submitted several representations before the concerned authority in this regard, which have not yet been considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

A report is submitted by the State respondents which is taken on record. It appears from the report that the Additional District Magistrate and District Land and Land Reforms Officer, Malda by a letter dated 5th August, 2022 written to the Block Land and Land Reforms Officer, Old Malda requested for demarcation of the area of Boalmari Suti Jalkar upon prior notices to

all the interested parties. The date of demarcation has been fixed on 22nd August, 2022 at 12.30 P.M.

Learned counsel for the petitioners submits that the petitioners shall remain present at the time of such demarcation.

In view of the above, this Court is inclined to hold as the process of demarcation has been initiated by the authority, the process should be directed to be completed within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 5th respondent to complete the process of demarcation in presence of all the interested parties including the petitioners in terms of the letter dated 5th August, 2022 as well as the notice dated 8th August, 2022 and submit a report to that effect before the District Land and Land Reforms Officer/ Additional District Magistrate, being the third respondent herein, within two weeks from date. Upon receipt of the said report, the 3rd respondent is directed to consider and dispose of the representations submitted by the petitioners dated 30th March, 2021 and 21st March, 2022 within one month upon affording reasonable opportunity of hearing to all the interested parties including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

It is made clear that this Court has not gone into the merits of the case and the petitioners shall be at liberty to place their respective contentions before the authority at the time of hearing.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)