

30.08.2022

WPA(P) 401 of 2022

Alok Basu & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Rahul Kumar Singh

Mr. Gopal Mondal

... .. for the petitioners

Ms. Sipra Majumdar

Mr. Prativa Ghatak

... for the State

In this public interest petition the petitioners who claim to be the residents of village Dakshin Gobindapur have raised plea that land in RS Dag No.447, PS-Sonarpur, District-South 24 Parganas was gifted by the predecessor-in-interest of the petitioner no.2 for the purpose of establishing the school and a Primary School is running.

A further plea has been raised that in recent past the petitioners saw that some land mafias have been trying to encroach on the eight feet wide passage which is exclusive property of the school. On the basis of such plea the petitioners have made a prayer seeking a direction to the respondents to take action against the alleged land mafias and intruders who are encroaching upon the land of the school.

It has been submitted by learned counsel for the petitioners that the mass representation (Annexure-B) was made in May 2022 to the authorities which is not considered.

Learned counsel for the State has filed the report of the Inspector-in-Charge of the concerned police station revealing that Dag No.448 belongs to Mr. Amar Chowdhury and Dag No.447 belongs to the school authority. In the meeting held on 25th October, 1981 in the school, an understanding was arrived at that the school authority will enjoy the peaceful possession of eastern side of the land of Dag No. 448 which is situated in front of the entrance path of the school owned by Amar Chowdhury and the said Amar Chowdhury and his family member will use the western side of the Dag No.447 as entrance path of their house.

The report reveals that though the transfer of land is not recorded but the school and Chowdhury family are using their land respectively.

The report further mentions that the allegation that the land of the school is being used by land Mafia is unsubstantiated and that an enquiry was made wherein it was found that the allegation of making a boundary wall is also incorrect. The report states that the field enquiry was totally videographed by the Sub-inspector.

We find that not only the vague allegations have been made in the petition but no material has been enclosed to substantiate the same. In paragraph 5 of the petition, the petitioners have pleaded that the land of the school was gifted by the predecessor-in-interest of the petitioner no.2 but neither the name of the said

predecessor has been disclosed nor the details of the gift deed have been mentioned.

Hence, we find that the present public interest petition is a misuse of process of law which is accordingly dismissed with costs of ₹10,000/- payable by the petitioners to the Legal Services Authority within two weeks.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)