

S/L 33
20.09.2022
Court. No. 19
GB

W.P.A. 20596 of 2021

Abdul Kader Mondal
VS
The State of West Bengal & Ors.

*Mr. Sounak Bhattacharya,
Mr. Debanjan Das,
Mr. Sounak Mondal.*

...for the Petitioner.

*Mr. Jahar Lal De,
Mr. Amritlal Chatterjee.*

...for the State.

*Mr. Tapash Kr. Mondal,
Ms. Ipsita Halder.*

...for the Zilla Parishad.

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

The petitioner alleges that the Zilla Parishad could not have held an auction in order to lease out L.R. Plot Nos.519 and 520, which were recorded as 'Pukur' and 'Pukur Par' respectively. The petitioner relies on the R.S. records of rights and submits that the petitioner's father was the recorded owner.

It appears that the notification for holding an auction was issued on August 16, 2021. It is submitted by the petitioner that the pond has already been leased to the bidders and third party rights have been created. Such bidders were enjoying the leasehold rights in respect of the said pond. The petitioner has also annexed the L.R. records of rights, from which it appears that the land was in possession of the South 24 Parganas Zilla Parishad. The L.R. records of rights also indicate that the 'Pukur' and 'Pukur

Par' were recorded in the name of the Collector. In the R.S. record, possession was in the name of the District Board.

Under such circumstances, this Court is not equipped to decide the issues raised by the petitioner. The L.R. records of rights clearly indicate that the Zilla Parishad has been in possession. The records are in the name of the Collector as a raiyat. There is nothing on record to show that such L.R. records was subsequently corrected. Unless the petitioner challenges such L.R. record and obtains necessary orders in his favour upon cancellation of the entries in the said L.R. records, the right of the Zilla Parishad to hold a public auction in respect of the said pond, cannot be denied. The petitioner is at liberty to take necessary steps in accordance with law.

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.)