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14.12.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 20258 of 2022

**Kavita Sureka & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Ranjan Kumar Kali,
Mr. Avidip Kundu.
...For the Petitioners.**

**Mr. R. N. Chakraborty,
Mr. Mehabub Ahmed.
...For the Municipality.**

**Mr. Rajarshi Basu,
Mr. K.M. Hossain.
...For the State.**

**Mr. Satyajit Talukdar.
...For KMDA.**

As per Court's order dated 23rd November, 2022, report has been filed by the Block Land and Land Reforms Officer, Thakurpukur Metiabruz Block and the Mahestala Municipality.

From both the reports it appears that the land in question is a vested land recorded in favour of the Collector of the District.

The petitioners submit that the Municipality and the Block Land and Land Reforms Officer accepted the rates and taxes in respect of the said land from the petitioners. License was issued by the Municipality

from where the petitioners used to run a business. Without any notice, the Municipality demolished the structure and evicted the petitioners.

As the record of rights in respect of the said plot reveals that the land in question is a vested land, accordingly, the same is not liable to be occupied by any person without the expressed permission of the government.

Paying taxes in respect of the same does not create any right in favour of any person to hold on or to occupy any portion of the vested land without the consent of the competent authority.

Accordingly, the Court is not minded to exercise jurisdiction in the matter.

It will be open for the petitioners to seek compensation for any loss suffered by them on account of demolition of the structure and loss of business, if at all permissible in law.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)