

**7.11.2022**

**ASR  
26.**

**SAT 341 of 2017  
with  
CAN 1 of 2017 (old CAN no. 8782 of 2017)**

**Gafur Ali  
Versus  
State of West Bengal & Ors.**

**Mr. Avishek Prasad  
Mr. Sreetama Neogi**

**.....for the Appellant**

There is no merit in this appeal.

No substantial question of law is raised.

The subject land vested in the State under the West Bengal Estate Acquisition Act, 1953.

The State took possession of it under Section 10 and distributed it to the local Panchayat to be utilised as a pond for fishery purpose.

This vesting could have been challenged under the procedure prescribed by the said Act.

Section 57(b) thereof bars the jurisdiction of the civil court. Such challenge was not made.

Hence, the suit of the appellant was dismissed by both the courts below.

We find no reason to interfere with this finding. However, the right of the appellant, if available, to challenge the order of vesting is kept open.

The appeal and the connected application are disposed of.

However, the status quo regarding possession of the appellant is to be maintained for four weeks only to enable him to avail any other right, if available.

**( I. P. Mukerji,J.)**

**(Biswaroop Chowdhury,J)**