

October 31, 2022
Sl. No.19
Court No.1
s.biswas

WPA (P) 484 of 2022

Tousif Hossain and another
vs.
The State of West Bengal and others

Mr. Biswaranjan Bhakat,
Mr. Samar Kr. Pal, Advocates

... for the petitioners

Mr. Jahar Lal De,
Mr. Shamim Ul Bari, Advocates

... for the State

In this public interest petition the petitioners have made a plea that 3 Decimals of land situated at Plot No.53 under R.S. Khatian No.192 appertaining to L.R. Khatian No.2502 under Mouza Ramnarayanpur under Police Station Joynagar, District South 24 Parganas should go to the State Government.

It is alleged that the land in question was recorded in the name of one Pratima Mukherjee in the Record of Rights and the said Pratima Mukherjee was missing and her whereabouts were not known. It is further alleged that one Deed being No.4245 dated 18.05.1981 was executed by Pratima Mukherjee in favour of Khatejan Bibi in respect of the land in question. The petitioners are challenging the said Deed in the present public interest petition by raising plea that no such Deed was executed. It is also alleged that said Khatejan Bibi has transferred the land to her son Sirajuddin Gazi by fraudulently executing a Deed.

Such an issue need not be gone into in this public interest petition especially when the learned

counsel for the State has not supported the plea taken in the petition. That apart, the validity of the Deed cannot be tested in such a public interest petition.

Hence, we find no ground to entertain the present petition, which is accordingly dismissed.

However, the dismissal of the petition will not close the other remedies which may be available to the petitioners in accordance with law.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)