

22.
12-07-2022
debajyoti
(Ct. no.24)

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

WPA 22074 of 2019

Sri Sudhir Sardar & Anr.

Vs.

The Chairman, Rajpur-Sonarpur Municipality & Ors.

Mr. Debjyoti Basu,
Mr. Chandan Kumar Lal

... For the Petitioners.

Mr. Mir Anuruzzaman

... For the Rajpur-Sonarpur
Municipality.

Ms. Sudipa Ray,
Ms. Ankita Bakshi

... For the State.

Mr. Saptansu Basu,
Mr. Jayjit Ganguly,
Mr. P. Sancheti,
Mr. Biswajit Chowdhury

... For Respondent No.8.

The petitioners challenge the alleged unauthorized construction being made by the respondent no.8 over a plot of land, which, according to the petitioners, was a tribal land; but thereafter, purchased by the said respondent no.8.

The petitioners have relied upon certain documents claiming to be the R.S. Record of Rights annexed at pages 27 and 28 of the writ petition. A supplementary affidavit has also been filed today by incorporating the details of the land obtained from the Banglar Bhumi portal maintained by the Land and Land Reforms and Refugee Relief and Rehabilitation Department, State of West Bengal in support of the submission that the land in question originally belonged to tribals.

Learned Senior Advocate, representing the respondent no.8, hands over a certified copy of the said R.S. Record of Rights annexed at page 27 of the writ petition.

The two documents are different from each other. The entries in the said document are also not matching with each other.

According to the petitioners, there has been violation of the provisions of the West Bengal Land Reforms Act, 1955. The petitioners submit that as the original land in question is a tribal land, the same cannot be purchased by the private respondent.

From the tenor of the argument made by the parties, it appears that there is a dispute with regard to title of the land in question. There is also allegation of violation of the provisions of the Land Reforms Act. The Writ Court will not be the appropriate forum to enter into and decide the issues raised in the present writ petition.

In view of the above, the writ petition stands dismissed.

Dismissal of the writ petition will, however, not stand in the way of the petitioners to approach the appropriate forum in accordance with law for redressal of their grievances, if so advised.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Amrita Sinha, J.)