

14.11.2022

Court No.35
Item No. 14

d.g.

CRR 3592 of 2015

**Alok Pathak
Vs.
The State of West Bengal**

Mr. Saryati Datta.

... For the petitioner

Mr. N.P. Agarwala,
Mr. Pratick Bose.

... for the State

The petitioner who has been alleged of an offence under Section 4(D) of the West Bengal Land Reforms Act, 1955, in connection with Chinsurah Police Station Case No. 60/2011 dated 9th March, 2011, has come up in this revision to challenge the proceeding in the said case (corresponding to G.R. Case No. 285 of 2011).

On 9th March, 2011, FIR was lodged against the petitioner alleging inter alia, that he has been illegally filling up L.R. plot no. 3583 classified as 'pukur', within Mouza Chinsurah J.L. No. 20.

On behalf of the petitioner, it is submitted that his dealing with the plot no. 3583 at Mouza Chinsurah is no way illegal as alleged, in so far as the petitioner is the rightful owner thereof by virtue of purchase, by executing a conveyance deed on 29th October, 2009.

A further document has also been pointed out, that is, the receipt of fine paid by the petitioner dated 24th May, 2011, which shows that the petitioner has deposited Rs.40,000/- with the department for unauthorized excavation of earth within the said plot of land.

On the basis of the document as above, it is submitted that the criminal case may not any further be proceed against the petitioner.

On behalf of the State, case diary is produced. However, from the same, it is found proper that the investigation has not proceeded in a proper manner and appears to be only vague and perfunctory.

Considering the entire facts and circumstances of the case, it is found that the petitioner being the owner of plot no. 3583 at Mouza Chinsurah is successful in showing the said plot of land to be classified as "viti" in his title deed and not a "pukur" as alleged in the FIR and

also that he has undergone due process under law, so far as the allegation of excavation of land etc. is concerned. Hence, prima facie material to suggest petitioner's involvement in the offence as alleged, is absent in this case.

Considering the same and the materials available in the case diary, I am of the opinion that the proceeding in connection with G.R. Case No. 285 of 2011 may not any further be of any fruitful purpose as against the petitioner and the same should be quashed.

Hence, the present revision case being CRR 3592 of 2015 is allowed.

All the proceedings in connection with G.R. Case No. 285 of 2011 arising out of Chinsurah Police Station Case No. 60 of 2011 is quashed and set aside.

Parties are granted liberty to obtain server copy of this order, for any future reference, until certified copy of the same is obtained.

(Rai Chattopadhyay, J.)