

30.08.2022
SL No.24
Court No.8
(gc)

SA 699 of 1999

**Bhagaban Mondal & Ors.
Vs.
State of West Bengal**

Ms. Indrani Paul,
...for the Appellants.

This appeal is directed against the judgment of affirmance passed by the learned First Appellate Court. The plaintiffs/appellants filed the suit seeking declaration of title in respect of the suit property claiming, inter alia, that the landlords settled the land in favour of the appellants but in support of such assertion, no document could be filed by the plaintiffs/appellants. The further case of the plaintiffs is that the land settled in favour of them gets submerged which is why their names were not recorded in the RS ROR. The State Government acquired the property by initiating BR case from the landlords without taking into consideration that the property was settled in favour of the plaintiffs/appellants. As the plaintiffs/appellants failed to substantiate such claim by producing any document showing such settlement, or any cogent document in support of their possession in respect of the suit property, both the Courts below refused to grant relief prayed for.

Having considered the judgments of both the Courts below, we do not find anything to hold that the judgments suffer from perversity. No substantial question of law has

been cropped up for consideration in the second appeal. Consequently, we are not inclined to admit the second appeal.

Hence, the second appeal being SA 699 of 1999 stands dismissed at the admission stage.

However, there shall be no order as to costs.

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

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)