

Sl No.16
01.03.2022.
SB-II

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA 63 of 2022
Mahabir Prasad & Ors.**

-versus

The State of West Bengal & Ors.

Ms. Supriya Singh
... for the petitioners.

Mr. Hirak Barman
Mr. Momenur Rahman
... for the State respondents.

The petitioners allege that the private respondents are illegally and arbitrarily trying to dispossess them from the property in question.

The petitioners refer to an order passed by the learned Civil Judge (Junior Division) at Alipurduar dated June 18, 2021 in TS No. 88 of 2021 wherein the Court directed the parties to the suit to maintain status quo in respect of the nature, character and their respective possession.

The petitioners have been impleaded as defendants in the said suit.

According to the petitioners they are in possession of the suit property and they ought not to be dispossessed from the same by the illegal acts of the respondents.

The Block Development Officer, Falakata Development Block has forwarded instruction to the learned advocate appearing for the State respondents that the land in question is recorded in the name of the Collector, khatian-1 in the LR record of rights. The classification/nature of the land is fully agricultural.

Instruction has been given by the Block Development Officer to the Inspector-in-Charge, Falakata Police Station on January 17, 2022 wherein it has been clearly mentioned that the disputed plots were recorded in favour of Mechua Mohammad Wakf Estate where Rabeya Khatun was noted as Mutwalli. Subsequently, the said plots were vested to the State in accordance with the West Bengal Land Acquisition Act, 1953, being free from all encumbrances and are recorded in the name of the Collector, khatian no. 1.

One Vadra Oraon son of Banshi Oraon (in LR Plot No. 737 and LR 737/102) and Sukra Oraon son of Gemba Oraon (In LR Plot No. 737/1022) are recorded as adverse possessors.

It appears from the submissions made on behalf of the parties that there is serious dispute with regard to the title of the plots in question. A civil suit is pending for adjudication before the learned Court below.

At this stage, the order prayed for by the petitioners for protecting their possession in the said

lands cannot be granted and no relief can be granted to the petitioners in the instant writ application.

The writ petition fails and is hereby dismissed.

Dismissal of the writ petition will however, not stand in the way of the petitioners from approaching the proper forum for redressal of their grievances, if so advised.

The instruction given by the Block Development Officer and the Inspector –in-Charge, Falakata Police Station to the learned advocate for the State respondents be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)