

13.02.2023
Court No. 19
Item No.17
CP

WPA No. 1945 of 2023

Sk. Akbar Ali & anr.

Vs.

The State of West Bengal & ors.

Mr. Saiful Alam

...for the petitioners.

Sk. Md. Galib

Ms. Subhra Nag

.....for the State.

The petitioners allege that the pradhan, Panrui Gram Panchayat and the Block Development Officer, Sainthia Development Block have forcefully utilised a portion of the land of the petitioners situated at Dag No. 1318/1567 of Mouza – Neturi, corresponding to Khatian No. 412. According to the petitioners, the said land was the retained land of the petitioners' father. Petitioner alleges that there are discrepancies in the land records.

The Block Development Officer, Sainthia Development Block has submitted a report. It appears that a scheme is being implemented by the Public Health Engineering Department. The panchayat is not the implementing agency. If at all, such land was being utilised by the Executive Engineer, Public Health Engineering Department, Birbhum Sub-Division, Suri for the Jal Jiban Mission Scheme.

The land records supplied by the Block Land & Land Reforms Officer, Sainthia indicate that the land is still recorded as a vested land.

The petitioners contend that after Section 14T(3) of the West Bengal Land Reforms Act, 1956 was declared *ultra vires*, the order of vesting should automatically stand cancelled.

This court is not authorised to decide such issue. Whether the order of vesting automatically lapsed, cannot be decided in this proceeding. The panchayat authorities are also not empowered to decide the issue as to whether the land was vested land or not. The record of rights indicate that the land was vested land.

Moreover, the scheme is under the Jal Jiban Mission to be implemented by the Public Health Engineering Department.

The petitioners are at liberty to approach the Executive Engineer, Public Health Engineering Department, Birbhum Sub-Division, Suri with their grievances.

If a representation is filed, the same shall be disposed of in accordance with law, upon granting an opportunity of hearing to the petitioners and all other interested parties or authority, as the case may be.

The merits of the allegations have not been gone into.

The report of the Block Development Officer is taken on record.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)