

September 20, 2023
ARDR (12)

WPA 2386 of 2023

Aninda Ghosh & ors.

Vs.

The State of West Bengal & ors.

Adv. Gazi Faruque Hossain,
Adv. Himadri Kumar Mahata,
Adv. Priyanka Mondal,

...for the petitioners.

Adv. Md. Idrish,

...for the State.

The petitioners claim to be the owners of the plot in question measuring about 27 decimals comprised in plot no. 611 at Mouza Turki Sitarampur, J.L. No.100, Bishnapur, District Bankura by virtue of purchase from the erstwhile owner Ashoke Kumar Mondal. The petitioners complain that the respondents put up a signboard in the plot in question stating that the plot has been acquired. No notice of such acquisition was served upon the petitioners/their vendor by the State respondents at any point of time.

Sketch map annexed to the report submitted on behalf of the State respondents indicates that the plot in question was demarcated in presence of erstwhile owners who had already transferred the plot prior to the date of demarcation, i.e. 17th December, 2013.

The petitioners seek re-demarcation of the plot in question in order to ascertain the extent of acquired land, in presence of the petitioners/their authorised representatives.

It is not in dispute that no notice of demarcation was served upon the vendor of the petitioners though the record of rights suggests that Ashoke Kumar Mondal, vendor of the petitioners was in possession of the land at the relevant time.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that re-demarcation of the plot in question is required to be made by the State respondents in presence of the petitioners/their authorised representatives in order to ascertain whether the plot of the petitioners is part and parcel of the vested land.

Accordingly, the writ petition is disposed of directing the 8th respondent to re-demarcate the plot in question upon service of notice to the petitioners and in presence of the petitioners/their authorised representatives within six weeks from the date of communication of this order.

If upon demarcation it is found that the plot in question is beyond the vested portion of the property, the said plot be declared as freehold property in favour of the petitioners.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

With the aforesaid directions, WPA 2386 of 2023 is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)