

04.04.2023
Sl. No.31(ML)
srm

W.P.A. No. 7270 of 2023
Sri Manoranjan Mahato
Versus
State of West Bengal & Ors.

Ms. Rita Patra,
Ms. Pusmita Das
....for the Petitioner.

Mr. Sudipto Panda,
Mrs. Munmun Tewary
...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner prays for a direction upon the Maru-Masina Gram Panchayat, District-Purulia, to demolish the structure on RS Plot No.356 of mouza Jhalda. It is contended that the structure was raised by the Block Medical Officer of Health. The construction allegedly is for a government health centre.

The petitioner claims that his predecessor-in-interest had purchased the land sometime in 1958. The record of rights was erroneous and an application for correction had been filed. It is further submitted that during pendency of the application for correction of the record of rights before the Block Land and Land Reforms Officer, Jhalda, the construction was started.

If the petitioner is aggrieved by the entries in the record of rights, the remedy of the petitioner is under the provisions of the West Bengal Land Reforms Act, 1955. The writ court cannot pass any direction treating the construction of the government health centre to be unauthorised in view of the fact that the construction is on a land recorded in the name of the government. The dispute with regard to title and possession of the petitioner, cannot be decided in this proceeding. The panchayat authorities cannot be directed to determine the issue involved.

The contention of the petitioner that the authority should be directed to dispose of the application for correction of record of rights, cannot be directed by this Court and should be urged before the Land Reforms and Tenancy Tribunal.

In this case, the petitioner alleges encroachment and denial of his right, title and interest in respect of the plot in question by the authorities of the health department. The petitioner is at liberty file a civil suit in accordance with law. When the land is recorded in the name of the health department, this court cannot pass orders touching the question of title.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of
this order.

(Shampa Sarkar, J.)