

March 21, 2024
Sl. No.A 3232
Court No.19
s.biswas

WPA 7506 of 2023

With

CAN 1 of 2023

Nemai Naskar

vs.

The State of West Bengal and others

Mr. Bapin Baidya

Mr. Sandipan Pal

Ms. Titli Chakraborty

... for the petitioner

Mr. Sauraeep Dutta

Mr. Swakshar Kumar Mondal

... for the respondent no.10

CAN 1 of 2023 is an application for recall of the order passed by this court on April 11, 2024.

The petitioner had alleged that the respondent no.10 had illegally obtained sanction for construction on LR Plot No.1136 which was recorded as a pond. The petitioner approached the zilla parishad for cancellation of the sanction and for demolition of the building. The learned advocate for the respondent no.10 had produced a document downloaded from the official website of the Refugee Relief and Rehabilitation Department, Government of West Bengal, in which plot nos.1136 and 1148 were recorded as 'bastu'.

The petitioner on the other hand relied on a document which was not downloaded from the official website of the government.

Accordingly, this court is unable to ascertain the facts and had granted liberty to the petitioner to approach the competent authority under the West

Bengal Land Reforms Act for further clarification with regard to nature and character of the land.

Today, it is submitted that information has been obtained indicating that the plot on which the alleged construction was going on was a pond.

This court does not find any need to recall the order passed by this court, as such order was passed at a time when the facts were unclear and there was a disputed question with regard to the nature and character of the plot on which the alleged construction was going on. Thus, the court allowed the petitioner to obtain proper documents in this regard, from the appropriate department. The petitioner is at liberty to approach the appropriate authority as also seek his reliefs before the appropriate forum, in accordance with law and on the basis of the information subsequently gathered.

The application for recall being CAN 1 of 2023 is accordingly disposed of.

(Shampa Sarkar, J.)