

June 06, 2023
(18) ARDR

WPA 7554 of 2023

Mirjapur Fishermen Cooperative Society & ors.

Vs.

The State of West Bengal & ors.

Adv. Avishek Prasad,

...for the petitioners.

Adv. Chandi Charan De,

Adv. Anirban Sarkar,

...for the State.

Affidavit of service filed by the petitioners is taken on record.

Being successful bidders in the tender floated for settlement of Boalmari Suti Jalkar, the jalkar was settled in favour of the petitioners by virtue of a deed of lease for a period of seven years from 1425 B.S. to 1431 B.S. upon payment of annual lease rent. Upon settlement of the said jalkar, the petitioners learnt that though the tender comprised 36.23 acres, the actual area of the jalkar handed over to the petitioners was 23.73 acres. The petitioners submitted a representation before the concerned authority for adjustment of the lease rent in view of such circumstance.

Pursuant to an order passed by this Court on 12th August, 2022 in WPA 16659 of 2022 directing the concerned authority to complete the process of demarcation of the jalkar in presence of all the interested parties and thereafter consider the representation submitted by the petitioners for adjustment of lease rent,

demarcation of the jalkar was made and it was found that the jalkar comprised 32.52 acres and not 36.23 acres and the matter was placed before the District Jalkar Committee for proportionate reduction in lease rent from 1429 B.S. to 1431 B.S. by an order passed by the Additional District Magistrate and District Land & Land Reforms Officer, Malda on 15th September, 2022. It was also detected that out of 32.52 acres of jalkar, an area comprising 4.64 decimals was let out to several persons by virtue of *patta*. The petitioners have prayed for exemption of lease rent in respect of the said area. The petitioners submitted a representation in this regard before the concerned authority on 26th September, 2022 following which the Additional District Magistrate and District Land & Land Reforms Officer, Malda, by a letter issued on 18th October, 2022, recorded that the District Jalkar Committee has recommended lease rent from 1429 B.S. to 1431 B.S. at Rs.10,48,491/- with five percent enhancement from 1430 B.S. The petitioners submitted a further representation on 17th March, 2023 seeking reduction of the cultivable area of the jalkar from 32.52 acres for 27.88 acres by deleting the *patta* land and re-assessing the lease rent payable by them. The said representation is yet to be considered. The petitioners pray for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the 3rd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioners dated 17th March, 2023 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the stakeholders including the petitioners and in the light of the observation made in the body of this order, in accordance with law.

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

With the aforesaid directions, WPA 7554 of 2023 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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 on usual undertakings.

(Suvra Ghosh, J.)