

17.04.2023

Item No.1

Ct. No.1

PG/KS

W.P.A. (P) 198 of 2022

Sk. Kutubuddin Ali & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Uday Narayan Betal

Mr. Bhaskar Hutait.....for the Petitioners

Mr. Samrat Sen, AAAG

Mr. Nilotpal Chatterjee

Mr. Amrita Lal Chatterjee.....for the State

Mr. N.C. Bihani

Ms. P.B. Bihjani.....for the WBPCB

1. This public interest writ petition has been filed by the petitioners to direct the respondents to stop all illegal activities of the persons from converting agricultural lands into fisheries and to protect the agricultural lands. The Hon'ble Division Bench on 1st August, 2022 directed the State authorities to ensure that no agricultural land in the concerned area is illegally converted for the purposes of fisheries/pisciculture. There was a direction also to file a report.

2. The Block Land and Land Reforms Officer, Tamluk-I had filed a report dated 13th July, 2022 stating that notices under section 4(C) of the West Bengal Land Reforms Act, 1955 dated 2nd May, 2022 and 6th May, 2022 have already been served amongst

the major portion of recorded raiyats of the plots in question and wide publicity of the said notices have also been made in the notice boards of the local gram panchayat office and other Government offices.

3. The learned advocate appearing for the writ petitioners has filed a letter addressed to him dated 29th March, 2023 demanded to have been signed by the writ petitioners and one of whom has affixed his thumb impression stating that we do not wish to proceed with the matter and seek for withdrawing the writ petition.

4. The learned advocate appearing for the writ petitioners points out that on 8th August, 2022 the Hon'ble Division Bench has directed the State authorities to ensure that the owners of the cultivable lands are not restrained by any of the third parties in carrying out the agricultural activities on their lands without any lawful reason. It is not clear as to why the writ petitioners seek to withdraw their writ petition at this juncture.

5. In any event, we are not inclined to accept such a request for more than one reasons. Firstly, the State authorities have already initiated action and notices under section 4 (C) of the West Bengal Land Reforms Act, 1955 have been issued to the offenders.

6. If that be the case, then the concerned authority, who has issued notices, should take up the matter and conclude the proceedings as expeditiously as possible.

7. Therefore, we dispose of this writ petition by directing the 4th respondent, the District Magistrate, Purba Medinipur to issue appropriate directions to the competent authority under the Act to proceed further pursuant to the notices issued under section 4 (C) of the Act, conduct an inquiry and if there has been any violation or illegal conversion of agricultural land for purposes of fishery/pisciculture, immediate action should be taken and the land should be restored as agricultural land.

8. The District Magistrate is directed to ensure that the competent authority under the Act concludes the proceedings initiated under the West Bengal Land Reforms Act, 1955 within a period of 45 days from the date of receipt of server copy of this order.

9. There shall be no order as to costs.

10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)