

18.04.2023.
Court No.13
Item No. 1
ap

W.P.A. No. 11379 of 2021
Hriday Ranjan Maji & Ors.
Versus
The State of West Bengal & Ors.

Mr. Samiran Mandal,
Mr. S.C. Dhara,
Mr. Abhinaba Dan.

...For the petitioners.

Mr. Chandi Charan De,
Mr. Anirban Sarkar.

...For the State.

Mr. Kumarjyoti Tewari,
Ms. Rajlakshmi Ghatak.

...For the private respondent nos.13 to 28.

1. Affidavit-of-service filed in Court today be taken on record.
2. Although affidavits have been called for by a Co-ordinate Bench of this Court on 27th July, 2021, this Court is of the view that the matter can be disposed of based on the admitted facts.
3. The petitioners seek enforcement of the order dated 8th September, 2020 passed by the Block Land & Land Reforms Officer, Daspur-II, Paschim Medinipur requesting Daspur Police Station to take appropriate legal action against the offenders, who are illegally trying to grab the land in Mouza – Lakshyakundu and are making illegal conversion for a fishery project.
4. The Block Land & Land Reforms Officer, Daspur-II has indicated the extent of the land in question by reference to the Memo No.725/Das-II/20 dated 8th September, 2020.

5. Daspur Police Station has already registered an FIR being Daspur Police Station Case No. 376 of 2020 dated 25th September, 2020.

6. Counsel for the private respondents says that his clients are on bail in respect of the subject FIR being No.376 of 2020.

7. It shall be ensured by the Daspur Police Station that no change occurs in the nature and character of the land/'JOL' whatsoever occurs in respect of the subject matter of the land mentioned in the Block Land & Land Reforms Officer's notice dated 8th September, 2020. The private respondents are restrained from effecting change of the physical character of the subject land.

8. It is, however, made clear that Daspur Police Station may stay its hands in respect of FIR No. 376 of 2020 dated 25th September, 2020 and shall not prevent any change, in the event the said order dated 8th September, 2020 is varied or modified by an appropriate higher authority under the West Bengal Land Reforms Act, 1955.

9. Since no affidavit has been called from the respondents, the allegations made in the writ petition are deemed not to have been admitted by them.

10. With the aforesaid directions, the instant writ petition shall stand disposed of.

11. There will be no order as to costs.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)