

21.06.2023
Item No.69
Ct. No.5
CHC
(disposed of)

W.P.L.R.T.66 of 2023

Ranu Mullick & ors.

Vs.

The State of West Bengal & ors.

Mr. Animesh Mukherjee,
Md. Ali Ahasan
...for the writ petitioners

Mr. Chandi Charan De, Ld. Addl. Govt. Pleader
Mr. Anirban Sarkar
...for the State

Mr. Chandan Mishra
...for the respondent nos.6, 7 & 8

The writ petition is directed against an order dated February 15, 2023 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A. No.3608 of 2013.

By the impugned order, learned Tribunal, refused to intervene at the request of the writ petitioner to declare that the property concerned, fell within the purview of West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisan and Fishermen Act, 1975 and that the possession of the writ petitioners therein were protected.

Learned advocate appearing for the writ petitioners submits that, learned Tribunal failed to take into account the fact that, the writ petitioners through their predecessor-in-interest namely their

father and grandfather were in possession of the immovable property concerned prior to June 26, 1975. The so-called sale of the immovable property in 1985 was without any bearing upon the right of the writ petitioners to possess the land under the Act of 1975. Both the Revenue Officer as well as the learned Tribunal erred in appreciating such fact.

State and the private respondents are represented.

The Revenue Officer and the learned Tribunal, both considered the claim of the writ petitioners. Both of them found that, the writ petitioners were unable to establish through cogent evidence that the writ petitioners were in occupation of the land in question as on June 26, 1975. The claim of the writ petitioners that there were residing in the land in question by constructing a house with the permission of the father/grandfather of the private respondents since 1966 did not stand as the property concerned was purchased by the private respondent in 1985.

There is a document annexed to the writ petition being a writing dated October 4, 2010 where, the father of the writ petitioners claimed that he was allowed to reside and construct a house since, he was engaged as a daily labourer and his wife as a

domestic help. Moreover, the so-called permission was given by a different person.

The writ petitioners are unable to establish by any cogent evidence of the writ petitioners being in possession on the date when the Act of 1975 came in to operation. The impugned order cannot be said to be perverse.

In such circumstances, we are unable to grant any relief to the writ petitioners.

W.P.L.R.T.66 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)