

18.04.2023
Item No.17
gd/ssd

WPA(P)/347/2022
AMAL SINGH AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Samim Ahammed,
Mr. Aniruddha Singh,
Mr. Arka Ranjan Bhattacharya,
Ms. Gulsanwara Pervin,
Ms. Ambiya Khatun
..for the Petitioners

Mr. Jahar Lal De,
Mr. Rudranil De
..for the State

1. By this public interest litigation the petitioners seek for restoration of the water body in R.S. Plot No.567, 571, 572, 573, 574, 576, 577, 578, 567/1893, 572, 1894, 575/1896, 577/1897, R.S. Khatian No.78/1, Mouza-Birajnagar, J.L. No.016, Police Station-Gosaba, District-South 24-Parganas.

2. Report has been filed by the Additional District Magistrate and District Land and Land Reforms Officer, South 24-Parganas dated 10th April, 2023 along with annexures.

3. It is seen from the annexures that the Block Land and Land Reforms Officer has issued notice under Section 4C(5) of the West Bengal Land Reforms Act, 1955 to the Secretary, Zilla Parishad, South 24-Parganas.

4. In the said notice it has been directed that the plots which are presently used as “Danga” has been changed without permission from the Collector and violates the Provision of Section 4C(5) of the W.B.L.R. Act and hence, restoration to its earliest status has been advised as per the Provision of Section 4C(5) of the W.B.L.R. Act. This direction was issued on 31.03.2023.

5. As rightly pointed out by the learned Advocate for the petitioners that Plot No.571 has been left out.

6. In the report of the Additional District Magistrate in Page 4 it has been stated that Plot No.571 which is “Khal” as per the record of rights but there is no “Khal” at present physically as per the witnesses of local people and it is non-existent for a long time. Though the “Khal” may be non-existent, the property has to be preserved as a “Khal” and merely because for a long time water has not been flowing through the canal can be no reason to convert the “Khal” into any other use. Therefore, the Secretary, Zilla Parishad, South 24-Parganas should ensure that the “Khal” in Plot No.571 continues to remain as a “Khal” in the record of rights and no mutation or changes should be made. The direction for restoration of the plots in accordance with the provision under Section 4C(5) of the W.B.L.R Act as contained in the Memo dated 31.03.2023 upon the Secretary, Zilla Parishad, South

24-Parganas shall be commenced and completed within a period of three months from the date of receipt of a server copy of this order.

7. With the above direction, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)