

ML 75
16.05.2023
Court. No. 19
GB

WPA 17840 of 2022

Sk. Monsur Ali & Ors.
Vs
The State of West Bengal & Ors.

Mr. Mohinoor Rahaman,
Mr. M. Rahaman

...for the Petitioners.

The writ petition is premature. There is nothing on record to show that Block Land and Land Reforms Officer had not acted on the basis of the request of the Pradhan Rajendrapur Gram Panchayat dated July 6, 2022, which adversely affected the right of the petitioner.

Alleging encroachment by the panchayat authorities, the petitioners filed W.P. No.138(W) of 2007. The dispute was with regard to the plot no.3102/3172. The panchayat authorities had made a submission before His Lordship when the matter had come up for hearing that the gram panchayat did not have any intention to acquire the portion of the land belonging to the petitioners, in plot no.3102/3172, forcefully. On such submission, the writ petition was disposed of on the ground that nothing survived for a decision in the same. The order was passed on June 25, 2007.

Mr. Rahaman, learned advocate for the petitioners submits that on the direction of the West Bengal Land Reforms and Tenancy Tribunal the names of the petitioners had been entered in the record of rights as owners of the plot.

Suddenly, the petitioners came to know that the Pradhan of Rajendrapur Gram Panchayat had made a request to the Block Land and Land Reforms Officer to ensure that the land which was allegedly vested according to the information gathered by the panchayat, should continue to be used as a 'Haat' (village market) and the nature and character of the land should not be changed or altered. The petitioner is aggrieved because of such opinion of the panchayat authorities that the land was vested.

As no overt act on the part of the panchayat authorities has been demonstrated and as there are no pleadings as to whether the panchayat authorities had acted contrary to law in this case, by forcefully evicting the petitioner, the writ petition is disposed of without any orders.

The petitioners are always at liberty to approach the Block Land and Land Reforms Officer as also the West Bengal Land Reforms and Tenancy Tribunal or the civil court with their allegations.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)