

16. 12.09.2023  
bd. Ct.15

WPA 26804 of 2016

Tapan Baidya & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Shyama Prasad Purkait

Ms. Moumita Mondal ... For the petitioners.

Mr. Gobinda Chandra Baidya

Mr. Gobinda Baidya ... for respondent no. 7

Mr. Debajyoti Deb

Ms. Somdyuti Parekh ... for respondent no.9.

Petitioners have approached this Court, inter alia, alleging constructions made by the respondent no.9 on petitioners' land, therefore, according to the petitioners, Prodhan, Basanti Gram Panchayat, District-South 24 Parganas, is required to take necessary steps for demolition of the said constructions.

However, on considering the complaint lodged by the petitioners dated 10<sup>th</sup> September, 2016 it appears that one original application being 983 of 2013 was pending before the West Bengal Land Reforms & Tenancy Tribunal which goes to show that the claim of the petitioners which has been lodged by filing of this writ petition that they are the owners of the land on which construction has been made by the respondent no. 9 is not substantiated and there is nothing on record which goes to show that petitioners having right in connection with the land on which construction has been made by the respondent no.9.

In view of aforesaid scenario the prayer made in this writ petition cannot be entertained and accordingly the writ petition stands dismissed.

However, this order shall not preclude the petitioners to take steps in order to establish their right over the land on which the private respondent has made construction.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**