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27.03.2023
d.p.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 318 of 2023

**Bholarhat Kabaristhan Sanrakhan Committee
-versus
The State of West Bengal & Ors.**

**Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah,
Mr. Satya Sarkar.
...For the Petitioner.**

**Mr. Subir Kumar Saha,
Ms. Bedashruti Bose.
...For the State.**

The petitioner is the Bholarhat Kabaristhan Sanrakhan Committee represented by the Secretary.

The petitioner submits that as per the request of the Block Land & Land Reforms Officer, Haldibari, a portion of the land which is used by the Kabaristhan was given to the said authority with an assurance that the respondent authority will construct a boundary wall by the side of the Kabaristhan.

As per the request of the Block Land & Land Reforms Officer, the Kabaristhan handed over a piece and parcel of the land which was later utilized by the Panchayat Samity for setting up of stalls. The stalls were constructed and put up in auction for long term lease in December 2022.

The grievance of the petitioner is that the Block Land & Land Reforms Officer did not honour the

assurance given for construction of the boundary wall of the Kabaristhan.

Reference has been made to a communication dated 26th July, 2022 by the Block Land & Land Reforms Officer to the petitioner with request to furnish the land details documents possessed by the Kabaristhan Committee.

It has been submitted that in response to the aforesaid communication, the relevant documents were transmitted to the Block Land & Land Reforms Officer but no steps have been taken thereafter.

Learned advocate appearing for the State respondents is yet to receive instruction in the matter.

From the documents annexed to the writ petition it appears that after the communication of the Block Land & Land Reforms Officer on 26th July, 2022, there is nothing on record to support the submission of the petitioner that details of the land documents were forwarded to the said officer.

In the absence of any proof of submission of the required documents, the prayer of the petitioner for consideration of the representation cannot be accepted.

In view of the above, leave is granted to the petitioner to forward all the details of the land along with necessary documents to the Block Land & Land Reforms Officer, Haldibari with a forwarding representation clearly mentioning the prayer of the petitioner.

On receipt of the representation along with the details of the land, the said authority shall consider the prayer of the petitioner for construction of boundary wall as assured prior to handing over possession of the land of the Kabristhan.

An opportunity of hearing shall be given to the petitioner through its authorized representative prior to passing final order in the matter.

A reasoned order shall be passed within a period of eight weeks from the date of receipt of the representation.

The writ petition stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)