

Sl No. 34
02.03.2023.
SB-II
AGM

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

WPA 487 of 2023

**Sri Subodh Chandra Paul & Ors.
-versus
The State of West Bengal & Ors.**

Mr. Bapi Sarkar,
Mr. Debanshu Modak,
... For the petitioners.

Mr. Harak Barman,
Mr. Momenur Rahaman, ... for the State.

Affidavit-of-Service filed today in Court be kept with the records.

The petitioners apprehend that the Savadhipati of Alipurduar Zilla Parisad will take possession of the land in question which is liable to be settled in their favour on long term settlement.

Series of communications have been annexed to the writ petition to evidence that the Additional District Magistrate and District Land and Land Reforms Officer, Alipurduar requested the Block Land & Land Reforms Officer, Kumargram to initiate the proposal for long term settlement in favour of the petitioners for household purpose. The final decision is awaiting.

In the meantime, the petitioners alleged that the Savadhipati of Zilla Parisad is trying to take forceful possession of the land and use the same as public park in the eve of the Panchayat Election, 2023.

None represents the Savadhipati, Zilla Parisad despite service.

Affidavit-of-service filed in Court is taken on record.

Learned advocate representing the State respondents is yet to receive any instruction from the land authority. Instruction has, however, been forwarded by the Inspector-in-Charge, Kumargram PS on 27.02.2023, wherefrom it appears that on 10.01.2023 the Savadhipati of the Zilla Parisad over telephone requested the Officer-in-Charge, of the Kumargram PS to send police force at the disputed land for identification of the same. On such request, police force was sent to the disputed land where the staff of the BL & LRO Kamakhyaguri was present. No construction has started in the disputed land till date.

It appears from the report filed by the police that the land, being the vested land of the State, the petitioners cannot claim any right over the same. The petitioners claim that they are in possession of the said land for a considerable period of time.

There are series of communications to prove that the respondent land authorities are in the process of granting long term settlement in respect of the said land in favour of the petitioners. Final decision is yet to be taken by the land authorities.

As there are enough documents in support of the submission of the petitioners that the decision to settle the land by way of long term lease is pending consideration at the end of the ADM and DL & LRO, as such, it will be highly prejudicial if the Zilla Parisad takes possession of the said land at this stage.

In view of the above, the instant writ petition is disposed of by directing the ADM and DL & LRO Alipurduar being the respondent no. 3 herein to take a decision with regard to the proposal for grant of long term settlement of the land in question in favour of the petitioners at the earliest but positively within a period of six weeks from the date of communication of this order.

Till a decision is arrived at by the aforesaid respondent as directed hereinabove, the Savadhipati of the Alipurduar Zilla Parisad is restrained from taking possession of the land in question.

An opportunity of hearing shall be granted to the petitioners and any other necessary party prior to passing a final order in the matter.

Learned advocate for the petitioners are directed to forward, to the aforesaid respondent, copy of all documents in support of their prayer for grant of long term settlement at the time of communication of the order of the Court.

WPA No. 487 of 2023 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)