

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

40 21.09.2023
 Ct. no. 2
 SK

WPA/1049/2023

NARBU LAMA
VS
STATE OF WEST BENGAL AND ORS.

Mr. Hirak Barman
Mr. Pretom Das

...for the state.

The petitioner prays for issuance of a title deed in respect of holding no.102/T.P.O Takdah P.S. Rangli Rangliot, Dist : Darjeeling.

It is submitted on behalf of the petitioner that the petitioner is an owner of the aforesaid premises and no title documents have been issued to them under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (the Act).

On behalf of the respondent authorities, it is submitted that at a meeting held on 10 January, 2023 of the Sub-Divisional Committee under the Act, the claim of the petitioner has been rejected on the ground that the petitioner was not a resident of the proposed area in the year 2006. However, this decision was taken unilaterally without considering any of the facts and without hearing of the parties.

In any event, the respondents have no objection if the representation of the petitioner dated 20 February, 2023 be treated as a representation to the District Magistrate having jurisdiction where the subject premises is situated be considered.

In such circumstances, the District Magistrate is directed to consider and dispose of the representation of the petitioner within a period of twelve weeks from the date of communication of this order and after giving a right of hearing of the affected parties.

It is made clear that this Court has not gone into the merits of the controversy and the District Magistrate will not be bound any observation made herein on the merits of the case and is to decide the representation in accordance with law.

With the aforesaid directions, WPA/1049/2023 stands disposed of.

(Ravi Krishan Kapur, J.)