

08.04.2024
Item No.12
Court No.6.
S. De

**M.A.T. 256 of 2024
With
I.A. No. CAN/1/2024**

**Abdul Anas Khan.
Vs
The State of West Bengal & Ors.**

Mr. Aniruddha Chatterjee,
Mr. Sounak Bhattacharya,
Mr. Sounak Mondal,
Mr. Abhiruz Halder,
Mr. Anirban Saha Ray,
...for the appellant.

Mr. S.K. Das,
Mr. Subimal Kr. Ghorai,
Ms. Krishna Yadav,
...for the respondent no.11.

Ms. Jyotsna Roy Mukherjee,
Ms. Srijani Mukherjee,
...for the State respondents.

Report filed on behalf of the State be kept with
the records.

By consent of the parties, the appeal and the
connected application are taken up together for
hearing.

This appeal by the writ petitioner is directed
against a judgment and order dated October 10, 2023,
whereby the appellant's writ petition being WPA 13497
of 2023, was disposed of by a learned Judge of this
Court.

It appears that the private respondent herein, who was also the private respondent in the writ petition, runs a 'Cow Haat' from plots of land which are recorded as 'Bastu', 'Jal' and 'Dokan'. The writ petitioner argued before the learned Single Judge that without obtaining conversion of such plots as 'Haat', the private respondent cannot operate a 'Cow Haat' from the concerned plots of land. It was submitted on behalf of the private respondent that application for conversion of the classification of the land is pending consideration before the competent authority. The learned Single Judge disposed of the writ petition with the following observations and directions :

“Without going into the merit of the claim and counter claim of the parties, as it appears that a representation is pending consideration before the respondent authority, accordingly the writ petition is disposed of by directing the respondent no.6 being the Executive Officer, Chandipur Panchayat Samity to consider the objection filed by the petitioner in accordance with law after giving reasonable opportunity of hearing to all the necessary parties.

The parties will be entitled to produce documents in support of their claim at the time of hearing.

A decision shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the representation dated April 20, 2023 to the aforesaid respondent at the time of communicating the order of the Court.”

Being aggrieved, the writ petitioner has come up by way of this appeal.

Mr. Chatterjee, learned advocate appearing for the appellant/writ petitioner, says that it would appear from the documents disclosed by the private respondent as annexures to the affidavit filed by him that the concerned plots of land are presently classified as ‘Bastu’, ‘Bazar’ and ‘Dokan’. None of these plots is classified as ‘Haat’. Hence, the private respondent cannot carry on the business of ‘Cow Haat’ from such plots of land.

Learned advocate for the State, after consulting relevant records, apprises us that the plots of land which stand in the name of the private respondent are classified as ‘Bastu’, ‘Dokan’ and ‘Bazar’.

Therefore, it seems that there is substance in the point raised by the appellant/writ petitioner. The private respondent cannot run a 'Cow Haat' from any of the plots of land in question since none of them is classified as 'Haat'.

We, therefore, restrain the private respondent from running such 'Cow Haat' from any of the concerned plots of land without first obtaining appropriate conversion of classification of land from the competent authority. If the private respondent is aggrieved by any order of the concerned Block Land and Land Reforms Officer, she shall be at liberty to pursue any remedy in law that may be available to her. Once such conversion is obtained, the private respondent may resume her business from the concerned plots of land provided she then holds valid license from the competent authority.

Learned advocate for the private respondent says that his client may apply for reconversion of the concerned plots of land to 'Haat'. If the private respondent is entitled to do so in law, she may do so.

MAT 256 of 2024 is disposed of along with the application being I.A. No. CAN 1 of 2024.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)