

07 06.05.2024
NB Ct. 14

WPA 7237 of 2024

Archana Ray
Vs.
The State of West Bengal & Ors.

Mr. Niladri Sekhar Ghosh,
Mr. Sourav Mondal,
Mr. Abhirup Halder,
Mr. Rony Mondal.
...for the petitioner.

Ms. Sonal Sinha,
Ms. Munmun Ganguly.
...for the State.

Mr. Mir Anwar,
Ms. Alisha Gomes.
...for the respondent no.4.

Mr. Subhasis Bandopadhyay.
...for the respondent no.5.

Report filed on behalf of the State is taken on record.

A copy of the same is handed over to the learned
counsel for the petitioner.

From the report of the DL&LRO, Purba Bardhaman that
during field verification on the basis of RS map of that mouza, it
appeared that the disputed land which was claimed by the writ
petitioner in *WPA 7237 of 2024* as plot no.475 was actually
situated in plot no.476(P) of the said mouza. It also appears
that the site plan, which is traced by the government surveyor
as annexed with page 15 of the writ petition did not tally with the
ground position.

Learned counsel appearing on behalf of the petitioner
submits as follows. The respondent no.4 with his men and
agents had forcibly and illegally taken over the property

belonging to the petitioner. The report filed by the Inspector-in-Charge was false. The pictures annexed are of a different land/property. On the contrary, a reference was made to the photographs annexed to the exception filed by the petitioner. The respondent no.5 did not have any right in the property in question. Even the report filed by the DL&LRO does not depict the correct picture.

Learned counsel appearing on behalf of the State relies on the report of the DL&LRO and submits that no order can be passed in favour of the petitioner as the matter involves disputed questions of fact.

Learned counsel appearing on behalf of the respondent no.4 denies the allegations levelled against him.

Learned counsel appearing on behalf of the Municipality submits that the land in question belonged to the petitioner and was surrounded by a boundary wall.

Upon hearing the submissions of the learned counsels for the parties and upon perusal of the report submitted by the DL&LRO, it appears that the matter involves disputed questions of fact and for deciding the same evidence is required to be taken.

The petitioner or any other party aggrieved with the present scheme of things shall be at liberty to approach the civil Court to seek appropriate relief.

Therefore, no further order need be passed in this regard.

However, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)