

18.04.2024
Item No.29
gd/ssd

WPA(P)/146/2024
MAHADEB GANGULY AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Jigisendra Sinha
..for the Petitioners.

Mr. Hemanta Kumar Das
..for the State.

Mr. Subhabrata Datta,
Mr. Aranya Saha
..for the Respondent No.9.

Mr. Debnath Ganguly,
Mr. Debashis Sarkar,
Mr. Supriyo Dutta
..for the Respondent No.11.

1. By this public interest litigation the petitioners allege that the three plots of land have been illegally utilized by the private respondent no.11/Jagannath Ganguly and illegal construction has been put up.

2. The three plots of land are being Plot Nos.473/714, 671 and 661/808. So far as the Plot No.671 is concerned the learned advocate appearing for the petitioners submitted that the petitioners are not pressing for any relief against the said plot of land. With regard to the land in Plot No.661/808 is concerned as could be seen from Page No.17 of the petition, the land has been converted as Bastu pursuant to order passed by the ADM & District Land and Land Reforms officer, Bankura.

3. The learned advocate for the petitioners admits that the said order has been put to challenge before the appellate authority.

4. Therefore, at this juncture no direction can be issued.

4. However, it is open to the petitioners to pursue the appellate remedy which they have already availed before the Divisional Commissioner, Bankura.

5. With regard to the land in Plot No. 473/714, it is alleged that the land is a vested land. As per the revenue records placed in the writ petition at Page No.14, the name of the respondent no.11/Jagannath Ganguly has been recorded in the revenue records.

6. Therefore, as long as revenue records is in the name of the respondent no.11/Jagannath Ganguly, it cannot be said that the construction has been put up illegally.

7. However, if the petitioners are still aggrieved, it will be well open to the petitioners to question the circumstances and the manner in which the name of the respondent no.11 was recorded as the owner of Plot No. 473/714.

8. Apart from that, we note the submission of the learned advocate for the 11th respondent that the petitioners are the co-sharers of the property, if that is

so, the writ petition cannot be entertained as a public interest writ petition.

9. Accordingly the writ petition stands dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)