

23.09.2024
Ct. No. 2
Sl. No. 23
tbsr

WPA 12563 of 2024

**Rajdeep Roy Chowdhury & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Sambhu Nath Sardar
....for the petitioners

Mr. L. M. Mahata
Mr. Rudranil De
....for the State

Affidavit of service, filed in Court today, is taken on record.

There is a rival claim between the petitioners and the Forest Department in respect of a particular chunk of land. The petitioners claim to be the absolute owner of the chunk of land mentioned in **paragraph 2** to the writ petition.

Mr. Lalit Mohan Mahata, learned Additional Government Pleader appearing for respondent nos. 1 to 6 submits that the relevant Gazette Notification appearing at **page 23** to the writ petition and other supported documents would show that the land described in paragraph 2 to the writ petition is a forest land.

The petitioners claim identification of their land by the appropriate State authority.

After considering the rival contentions of the parties and upon perusal of the relevant materials on record, to sub-serve justice, the respondent no. 3 is directed upon issuing a prior notice of hearing of at least **seven days** to the petitioners, the respondent no. 2 and the respondent no. 5 and after giving them an opportunity of hearing shall decide the issue with regard to the identification of plot only as claimed by the petitioners by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no. 3 positively within a period of **eight weeks** from the date of communication of this order. The reasoned order then shall be communicated to the petitioners, respondent no. 2 and the respondent no. 5 positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the rival contentions as recorded above, the petitioners, the respondent no. 2 shall be at liberty to urge their respective contentions before the respondent no. 3 by relying upon several records and documents they wish to rely upon.

The respondent no. 5 shall produce all the relevant land records during the hearing before the respondent no. 3.

If the reasoned order shows that the land described in paragraph 2 to the writ petition or any part thereof is under the absolute ownership of the petitioners then the respondent no. 5 shall take all necessary and consequential steps to identify and demarcated the same in accordance with law positively within a period of **six weeks** from the date of the said reasoned order to be passed.

It is made clear that, the hearing shall confine before the respondent no. 3 only with respect to identification and demarcation, if any, of the alleged land of the petitioners as mentioned in paragraph 2 to the writ petition and not beyond that.

In the event, the reasoned order shows that the petitioners have their land, if any, the petitioners shall be at liberty to apply before the jurisdictional Land Reforms and Tenancy Tribunal seeking appropriate relief for recording of their names in the land and land revenue in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

It is made clear that, this order shall not create any right or equity either in favour of the petitioners or in favour of the Forest Department, if they do not succeed to their respective contentions before the respondent no. 3 strictly in accordance with law.

With the above observations, this writ petition, **WPA 12563 of 2024** stands **disposed of**, without any order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)