

10.06.2024
Ct. No. 2
Sl. No. 51
tbsr

WPA 13339 of 2023

Rajib Khan
Vs.
The State of West Bengal & Ors.

Mr. Nirmalendu Bera
Ms. Tanim Nandy
.....for the Petitioner

No affidavit of service filed, though Mr. Nirmalendu Bera, learned advocate appearing for the writ petitioner submits notice has been served upon the respondents.

The writ petitioner by virtue of a trade licence has pleaded in **paragraph 3** to the writ petition, **Annexure P-1 at page 10** to the writ petition that he carries on a business of brick field under the name and style of “M/s. Southern Construction” on and from a particular piece of land situated within the jurisdiction of the concerned Panchayat.

Averments made in the **paragraph 4** in the writ petition shows, the private respondent no. 6 allegedly causing disturbance in the alleged peaceful possession of the petitioner on the subject land wherefrom he is carrying out the brick field business.

Averments made in **paragraph 5** of the writ petition shows, out of a title dispute in respect of the

same piece of land wherefrom the petitioner is allegedly carrying out his brick field business, the Panchayat authority has issued a notice **dated May 31, 2023, Annexure P-3 at page 22** to the writ petition. He submits that Asit Kumar Khan Dwigor named in the said notice has already expired and therefore the said notice is bad in law and should be quashed. He further submits that the said Gram Panchayat has no right and jurisdiction to decide the question of title in any manner with regard to the subject land wherefrom the petitioner is carrying out his brick field business.

After considering the submissions made on behalf of the petitioner and upon perusal of the materials on record, it appears to this Court that the document being **Annexure P-1 at page 10** to the writ petition, on the basis whereof the petitioner is claiming the alleged right of possession on the particular land is merely a trade licence issued by the relevant Panchayat Samiti. Under the said trade licence the petitioner has a right to carry out his business of brick field and not beyond that. The petitioner cannot claim any right or title over and in respect of the said piece of land by virtue of the said trade licence. This document at the highest signifies that the petitioner carries on its business under the name and style of “M/s. Southern Construction” from the said piece of land. By virtue of the said document

the petitioner cannot confront anybody's right, title or interest in respect of the said piece of land. Neither he can establish any right to property on the said land.

The document being **Annexure P-3 at page 22** to the writ petition on the face of it shows that, the said document relates to existence of an alleged title dispute over and in respect of the same piece of land between the two individuals. The petitioner cannot have any say on the said title dispute, even if, it touches the same piece of land wherefrom the petitioner carries on his business. This document has no material bearing or relevance qua the running of business by the petitioner, even if, the petitioner runs his business from the same piece of land. Thus, whether the said document was validly executed or issued or is in existence in the eye of law, cannot be questioned by the petitioner.

In view of the foregoing reasons and discussions, this Court is of the firm view that this writ petition is totally misconceived, mala fide and vexatious and also in abuse of the process of law.

The writ petitioner is devoid of any merit.

Accordingly, this writ petition **WPA 13339 of 2023** stands **dismissed** with cost assessed at Rs. 15,000/- to be paid by the petitioner to the State Legal Aid Services, West Bengal positively within a period of 7 days from date.

Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis.

(Aniruddha Roy, J.)