

27.06.2024
Item No.19
gd/ssd

WPA(P)/239/2024
SWAPAN MAL AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Dilip Kumar Saha,
Mr. Dhriti Das
..for the Petitioners.

Mr. Sk. Md. Galib,
Mr. Debraj Sahu
..for the State.

1. We have heard the learned advocate for the petitioners and the learned Government counsel appearing for the official respondent nos.1 to 4.

2. The private respondents have been served and affidavit of service has been filed, but none appears for the private respondents.

3. The allegation made by the petitioners is that the plot of land in RS Khatian No.164, Dag No.2 under Mouza is recorded as “Khal” and RS Dag No.2, RS Khatian No.266 under the said Mouza is also recorded as “Khal” and also the plot of land in RS Khatian No.303, RS Dag No.2 under the said Mouza is also recorded as “Khal” and the plot of land in RS Khatian No.304, RS Dag No.2 under the said Mouza is also recorded as “Khal” and the record of rights also states that the plots of lands are used as “Khal”. The allegation is that the villagers were using this Khal for

the purpose of irrigation and suddenly the private respondents have obstructed their usage.

4. This necessitated representation to be sent to the authorities which is still pending and, therefore, appropriate direction is sought for in this writ petition.

5. Without going into the merits of the allegations made, we direct the petitioners to submit a fresh representation to the 2nd respondent, namely, the District Land and Land Reforms Officer, Nimtouri, District – Purba Medinikpur enclosing copies of the earlier representation, other revenue records as also the copy of this order and present the representation in person in the Office of the District Land and Land Reforms Officer, Nimtouri. On receipt of the said representation, the said authority shall issue notice to all the private respondents and others who are likely to be affected as also to the writ petitioners and after conducting an enquiry pass appropriate orders on merits and in accordance with law.

6. This direction shall be implemented within a period of 12 weeks from the date on which the representation is submitted in terms of the above direction.

7. With the above observations, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)