

20.06.2024
Ct. No. 2
Sl. No. 19
tbsr

WPA 15783 of 2024

Faruk Hossain Sekh & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Shahren Shah
Mr. Aninda Bhattacharya
Mr. Sudip Sarkar
Mr. K.P. Santra
....for the petitioners
Mr. Dipanjan Datta
Md. Masood
....for the State

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

On the basis of record of right, the petitioners
claim ownership on an alleged piece of land. No title
document is annexed to this writ petition. The law is
well settled that, record of right cannot confer any title.
It is merely a revenue record.

The petitioners allege that a road is being in the
process of construction on the said alleged piece of
land.

The petitioners referring to a representation
dated **June 12, 2024, Annexure P-2 at page 22** to
the writ petition submits that, the same has not yet
been considered.

The alleged land is situated within the
jurisdiction of concerned Panchayat.

Mr. Shahan Shah, learned counsel appears for the petitioners.

Mr. Dipanjan Datta, learned State counsel appears for respondents.

After considering the submissions made on behalf of the parties, to sub-serve justice, the petitioners shall be at liberty to make appropriate representation before the respondent no. 3 within a period of **one week** from date.

In the event, such representation is made, the respondent upon issuing a prior hearing notice of at least seven days to the petitioner and other interested parties, to whom it thinks fit and proper and after affording an opportunity of hearing shall decide the representation by passing a reasoned order in accordance with law.

The entire exercise, as directed above, shall be carried out and completed by the respondent no. 3 positively within a period of **eight weeks** from the date of receiving such representation from the petitioners.

The respondent no. 3 then shall communicate its reasoned order to the petitioners and all the interested parties positively within a further period of **two weeks** from the date of passing the reasoned order.

It is made clear that this Court has not gone into the merits of the claim of the petitioners in any manner and the petitioners and all the interested parties shall be at liberty to produce whatever records relating to title of that piece of land and other documents before the respondent no. 3 in support of their respective arguments.

In the event, the reasoned order goes in favour of the petitioners, then the respondent no. 3 shall direct the appropriate authorities to take all necessary and consequential steps forthwith.

It is made clear that this order shall not create any right or equity in favour of the petitioners, in the event, the petitioners are not eligible to receive their claim and fail to establish their title over and in respect of the subject piece of land strictly in accordance with law.

Since no affidavit has been called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

The learned State counsel places a police report dated **June 20, 2024** issued under the seal and signature of Officer-in-Charge, Chandrakona Police Station, the same is taken on record.

The police report denotes that strict vigil is maintained at the locale and peace is maintained.

On the above terms, this writ petition, **WPA 15783 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.)