

Item No.13
11.07.2024
Court. No. 9
GB

W.P.A. 17297 of 2024

Dulan Mohanta
Vs.
The State of West Bengal & Ors.

*Mr. Ibrahim Shaikh,
Mr. Susanta Mukherjee*

...for the Petitioner.

*Mr. Soumitra Bandyopadhyay,
Mr. Srikanta Paul*

...for the State.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The petitioner alleges that unknown and unauthorized persons has been visiting his land and threatening to evict him. Accordingly, the petitioner approached the Block Development Officer, Nakashipara Block as also the concerned police authorities seeking protection and requesting the authorities not to take any steps for removal of the petitioner from the said land, without due process of law.
3. The learned advocate for the State respondents submits a report prepared by the Inspector-in-Charge, Nakashipara Police Station. From the said report it appears that there is a dispute over the land in question, between the petitioner and the respondent nos.6 to 10. Allegedly, the respondent nos.6 to 10 were granted patta. The land stands in the name of the Collector.

4. The petitioner made an application under Section 49(2) of the West Bengal Land Reforms Act, 1955 for annulment of the patta given to those persons. The said application was dismissed on September 5, 2016. The petitioner preferred an appeal before the District Land and Land Reforms Officer vide L.R. Appeal Case No.201 of 2016. The appeal was dismissed. The petitioner has approached the learned Land Reforms and Tenancy Tribunal by filing O.A. No.1648 of 2022.
5. Thus, the issue with regard to the grant of patta and/or the right of the petitioner to remain in the premises is sub judice before the tribunal.
6. Under such circumstances, the writ petition is disposed of.
7. The right, title and possession of the petitioner cannot be decided in this proceeding. The petitioner's remedy is before the appropriate forum.
8. However, there will be no order as to costs.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)