

Item No.11

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

10.07.2024
Ct-14
AGM

WPA 17523 of 2024

Mritunjoy Patra & Ors.
v.
The State of West Bengal & Ors.

Mr. Rudranil De.
Mr. Subhronil Ghosh.
... for the petitioners.

Mr. Ansar Mondal.
Mr. Tanweer J Mondal.
... for the State.

Leave granted to file affidavit-of-service in course of the day.

The petitioners claim to be the owners of 82 decimals of agricultural land being dag nos. 882, 884 and 870 of Mouja- Gopalpur.

It has been submitted that the petitioners all along cultivated the entire portion of 82 decimals of land. On 3rd July, 2024, the private respondents forcefully entered upon a portion of the land of the petitioners and started cultivating the same. The petitioners protested and resisted the act of the private respondents which led to an altercation. The petitioners approached the police but no action is reported to be taken.

None represents the private respondents.

Learned advocate representing the State respondents relies upon the instruction forwarded by the Officer-in-Charge, Sutahata P.S. signed on 10th July,

2024 which mentions that an enquiry was conducted by the police and it came to light that the private respondents were cultivating approximately 13 decimals over dag no. 882 /1235 as they allegedly obtained patta over this land from the Block Land and Land Reforms Officer, Sutahata-I, Purba Medinipur. The police are trying to maintain the law and order in the locale.

It appears from the submission made on behalf of the parties and from the instruction forwarded by the police that the private respondents claimed to be the patta holder of the disputed plot of land. The total area claimed by the petitioners is 82 decimals whereas patta in respect of the private respondents is alleged to be only about 13 decimals.

There is no instruction with regard to the balance portion of the agricultural land. The documents annexed to the police report suggests that patta was granted in respect of land far less than 13 decimals as claimed by the private respondents.

In the event there is no document in support of patta in respect of the balance portion of the 82 decimals of land, then the petitioners may be permitted to cultivate the same.

The Court has not been made aware as to whether the land where patta has been granted out of 82 decimals of land is demarcated or not. The Block Land and Land Reforms Officer, Sutahata-I appears to have issued the patta in favour of the private respondents. The petitioners claim to have retained the entire portion of the 82 decimals of land.

Whether the land in question could have been vested despite the same being retained by the owner is to be adjudicated by the concerned Block Land and Land Reforms Officer.

The petitioners are in possession of documents in support of the submission that the entire land has been permitted to be retained by the Block Land and Land Reforms Officer.

In view of the above, it will be open for the petitioners to approach the Block Land and Land Reforms Officer, Sutahata I for verification of records and for correction of the same in the event there is any wrong recording.

The police are directed to ensure that there is no breach of peace in the locale. If there is no restraint order restraining the petitioners from cultivating the portion of the land where patta has not been issued, then the petitioners shall be entitled to cultivate the land.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)