

14.05.2024
Item No.38
gd/ssd

RVW/161/2023
IA NO: CAN/1/2023
MOTILAL MALU
VS
MURTUZA ALI AND ORS.

in
WPA(P)/321/2023
MURTUZA ALI
VS
STATE OF WEST BENGAL AND ORS.

Mr. Prosenjit Mukherjee,
Mr. Arghya Kamal Das
..for the Petitioner.

Mr. Rajarshi Basu,
Mr. Parikshit Goswami
..for the State.

1. This review application has been filed by the petitioner to review the order dated 5th July, 2023 in WPA(P) 321 of 2023.

2. The learned advocate appearing for the petitioner submitted that as per the determination normally public interest writ petitions are not taken up on Wednesday and, however, the matter was heard on Wednesday and the learned advocate appearing for the 10th and 11th respondents in the writ petition, who is the review applicant, did not notice the same, as a result, could not make appropriate submission.

3. In the review application it has been submitted that the contention of the respondent nos.10 and 11

may be noted and form part of the order dated 05.07.2023.

4. The contention being that the land has been classified as Bastu, it is a private land and this classification has been done in terms of the order passed by the appropriate authority under Section 4C of the West Bengal Land Reforms Act, 1955.

5. Therefore, it is contended by the learned advocate that the allegation that it is a water body is false. While disposing of the writ petition by order dated 5th July, 2023 in paragraph 3 it was made clear that the merits of the allegations made by the writ petitioner has not been gone into since the affidavits have not been called for.

6. However, the submission made on behalf of the 10th and 11th respondents in the writ petition, who is the review applicant, as recorded above with regard to the classification of the land in question is noted and this order shall form part of the order dated 05.07.2023 and it will be open to the 10th and 11th respondents to raise all contentions as and when the 7th respondent issues notice for enquiry.

7. With the above reasons, the review application is disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)