

9 02.8.2024
Sc Ct. no.2

WPA 19071 OF 2024

Sri Biswajit Mondal

Vs.

The State of West Bengal & Ors.

Mr. Anshunath Chakraborty
Mr. Gourab Mukhopadhyay.

.....For the Petitioner

Mr. Ashim Kr. Ganguly
Mr. Bellal Shaikh.

.....For the Respondents
State

Affidavit-of-service, filed in Court today, is taken on record.

The petitioner claims that, since the time of his ancestors he is enjoying a plot of land by cultivating the same. The petitioner applied for lease of such land from the State authority. The representation of the petitioner dated **February 29, 2024, Annexure-P6 at page 35** to the writ petition submitted before the respondent no.4 stands pending.

Mr. Bellal Shaikh, learned counsel led by Mr. Ashim Kr. Ganguly, learned Additional Government Pleader submits that, the subject land has already been vested. He refers to the averment made in **paragraph 7** to the writ petition and submits that, the petitioner has already stated that the State is the owner of the land. He

further submits that, since the predecessors-in-interest being the ancestors of the petitioner who were the big riyat, the petitioner cannot claim right over the land.

After considering the rival contentions of the parties and upon perusal of the materials on record, the respondent no.4 is directed upon issuing a prior hearing notice of at least **seven days** to the petitioner and any other interested party on the land and after giving them an opportunity of hearing to decide the said representation dated **February 29, 2024** 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.4 positively within a period of **six weeks** from the date of communication of this order. The respondent no.4 then shall communicate the reasoned order to the petitioner and other interested party, if any, positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the rival claims of the parties as recorded above and the petitioner shall be at liberty to urge whatever points he wishes to urge in support of his claim by relying upon whatever records and documents he wishes to reply upon before the respondent no.4 but the same shall not travel beyond the scope of the said representation dated **February 29, 2024**.

In the event the reasoned order goes in favour of the petitioner, the respondent no.4 and/or appropriate State authority shall take all necessary and consequential steps in accordance with law.

It is made clear that, this order shall not create any right or equity in favour of the petitioner if the petitioner is not eligible to receive his claim strictly in accordance with law.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 19071 of 2024** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)