

8 22.8.2024
Sc Ct. no.2

WPA 19853 OF 2024

Md. Rafique Ali

Vs.

The State of West Bengal & Ors.

Mr. Supratick Shyamal
Ms. Somosreedebi Dutta.

.....For the Petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkar.

.....For the Respondents
State

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

Mr. Supratick Shyamal, learned counsel appears for the petitioner.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the respondents.

Drawing attention to a demarcated map dated **December 27, 2019** caused by the jurisdictional BL&LRO, learned counsel for the petitioner submits that, the petitioner has not encroached any portion of the hospital's land and the petitioner stays and carries on his medicine shop within the portion of the land marked with Green colour as demarcated to be the land of the petitioner. Still the respondent no.7 on **July 5, 2024** lodged a complaint before the respondent no.3 at **page**

75 to the writ petition. On the basis of such complaint, a further hearing notice was issued by the respondent no.3 on **July 24, 2024, Annexure-P7 at page 73** to the writ petition. Learned counsel submits that, the petitioner attended the hearing on **July 31, 2024** with all records and documents when the respondent no.7 did not attend.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, it appears to this Court that, when a proper demarcation has already been made by the jurisdictional BL&LRO on **December 27, 2019 at page 72** to the writ petition unless there is any encroachment beyond such demarcation, no further step can be taken by the State against the petitioner's land.

Page 71 to the writ petition being a report dated **December 27, 2019**, issued under the seal and signature of the jurisdictional BL&LRO specifically shows that, **Dag Nos.1064 and 1066** are classified as **Tunt Abadi** and found as **Raiyati Land**. The complaint of the respondent no.7 dated **July 5, 2024 at page 75** to the writ petition shows that, the subject land under the complaint are **Dag Nos. 1064 and 1066** on the basis whereof, the said impugned notice dated **July 24, 2024** was issued. Since the said **Dag Nos. 1064 and 1066** are already classified and demarcated as raiyati land by the jurisdictional BL&LRO, this Court is of the considered view that, the complaint lodged by the respondent no.7 dated **July 5,**

2024 is frivolous, baseless, illegal, vexatious, arbitrary and without any application of mind.

Accordingly, the said complaint dated **July 5, 2024** lodged by the respondent no.7 at **page 75** to the writ petition and the consequential notice dated **July 24, 2024, Annexure-P7 at page 73** to the writ petition stand **set aside** and **quashed**.

The conduct of the respondent no.7 in issuing the complaint stands deprecated by this Court and henceforth the respondent no.7, while discharging his official duty, shall discharge the same with application of proper mind commensurating with his responsible position as a State Officer.

The petitioner shall serve a copy of this order upon the respondent no.7 forthwith.

With the above observations and directions, this writ petition, **WPA 19853 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.)