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jdt.

15.04.2024
jb.

W.P.A. 21248 of 2023
(Milan Jana vs. State of West Bengal & Ors.)

Mr. U. K. Jana
Mr. Apurba Kr. Chakraborty
.... For the Petitioner
Mr. Soumitra Bandyopadhyay
Mr. Srinath Singha Roy
.... For the State

Heard learned counsels for the parties.

The petitioner claims to have purchased 0.05 acres of land out of 0.88 acres in L.R. Dag no. 1596, Mouza Tabageria, J. L. no. 262, Khatian no. 520, District Paschim Medinipur by virtue of a deed of conveyance dated 12th June, 2015. The petitioner learnt that an area of 0.13 acres in the said plot have been acquired by the State respondents some time in 1963-64. The acquired portion has not been demarcated by the State respondents for which the petitioner is unable to utilise his rayati land.

Learned counsel submits that the private respondent filed a title suit before the civil Court in respect of the suit property which was dismissed for default by an order passed on 13th April, 2023. The petitioner submitted a representation before the concerned authority on 19th August, 2023 seeking demarcation of the acquired portion of the plot which is yet to be considered. The petitioner seeks a direction upon the authority to consider the representation at the earliest and demarcate the acquired portion.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the acquired portion

of the plot in question has admittedly not been demarcated by the State till date, the concerned authority, being the 6th respondent herein, be directed to consider and dispose of the representation submitted by the petitioner dated 19th August, 2023 and demarcate the acquired portion of the plot in question with the aid and advice of the third respondent upon service of notice to all concerned including the petitioner and the private respondent, in accordance with law. The entire exercise should be completed within a month from the date of communication of this order.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)