

April 8, 2024
AD 4
Ct. No.14
SG

WPA 24534 of 2023

Maynuddin Sekh
vs.
The State of West Bengal and others

Mr. Saurabh Guha Thakurata
Mr. Abhratam Sarkar
... for the petitioner.

Mr. Amitesh Banerjee
Mr. Tarak Karan
... for the State.

Mr. Siddhartha Sarkar
... for the respdt. Nos.11-15

Report filed by the State is taken on record.

Learned counsel appearing for the petitioner submits that the petitioner is a patta-holder in respect of the plot of land being plot No.54 in question. Although a portion of the plot may be vested, patta had been given in favour of the petitioner. In an earlier proceeding, the State filed a report dated 24.09.2021, pursuant to which an order was passed by this Court granting liberty to the petitioner to cultivate the land in question. The State is now taking a different stand.

Learned senior counsel appearing for the State relies on the report dated 17.10.2023 and submits as follows. While plot No.22/1960 is fully vested, land measuring 0.41 acres of plot No.54 is vested in the State. Only a portion of plot No.54/1965 is recorded in the name of the petitioner and another portion in the name of his wife. The petitioner is now trying to grab the other portion of the plot, which is vested in the State. This

report has been prepared taking assistance of the BL&LRO, which was not done at the time of furnishing the earlier report.

Learned counsel appearing for the private respondents denies the allegations and submits as follows. The private respondents are also patta-holders in portions of the same land in plot No.54. Earlier, a dispute had arisen. That is why an informal demarcation was done by the BL&LRO in the presence of all others. In violation of this, the petitioner now wants to grab the other portion of land and cultivate the same.

It appears that the report of the State has been filed after taking assistance of the concerned BL&LRO.

There is a civil dispute pending between the parties.

If any of the parties wants to establish any further right in respect of the property, the same has to be done before a civil court.

It also appears that the police have taken steps by registering criminal cases.

Therefore, no further order need be passed in this regard.

However, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

Parties shall act on server copy downloaded from the official website of this Court.

[Jay Sengupta, J.]

