

Srl. No.19
30.01.2024
SB-III
SH

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 1030 of 2023

**Prodhunya Mondal & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Santosh Kumar Chakraborty
Mr. Debanjan Das
... for the petitioner.**

**Mr. Hirak Barman
Ms. Bedashruti Bose
... for the State.**

**Mr. Bikramaditya Ghosh
Ms. Supriya Singh
Mr. Sitesh Gupta
... for the respondent no. 6.**

The petitioners claim to run business from a plot of land, which according to the petitioners, is vested to the State and recorded as haat/bazaar in the record of rights. The petitioners alleged that they are being disturbed by the men and agents of the private respondent no. 6 for removal of the shop which the petitioners are running from the said plot of land.

The petitioners lodged complaint before various authorities including the police and the BL & LRO. None being considered, the present writ petition has been filed.

Prayer has been made to direct the official respondents to permit the petitioners to run business from the said shop rooms.

Learned advocate representing the private respondent submits, upon instruction that, the land in question has been settled in favour of the private respondent and the same is reflected in the Record of Rights. Though, the classification of the land is haat/bazaar the same is meant for the men and agents of the private respondent for running their shops. The private respondents have taken steps for eviction of the petitioners from the said land.

Learned advocate representing the State respondents submits, upon instruction that, the land in question is recorded in favour of the private respondent.

Upon hearing the submissions made on behalf of all the parties it appears that there is a private dispute between the respondent no. 6 that is the private respondent and the petitioners. The land in question has been settled in favour of the private respondent no. 6 with the classification of haat/bazaar. Whether the person in whose favour the land is recorded will permit the petitioners to run the shop room from the said land is a personal choice and discretion of the private respondent. The writ Court ought not to interfere in the matter to decide the issue.

However, if the private respondents intend to evict the petitioners from the said place, then steps shall be taken in accordance with law for evicting them.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)