

13
04.10.2024
d.p.

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

W.P.A 1898 of 2024

**Smt. Jyotsna Sarkar @ Jyasna Sarkar @ Joysna
Sarkar
-versus
The State of West Bengal & Ors.**

**Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah.
...For the Petitioner.**

**Mr. Pretom Das,
Mr. Bikash Singha.
...For the State.**

1. A report has been filed by the Block Development Officer, Mal Block signed on 1st October, 2024 which mentions that Plot No. 191 is a vested plot and Plot No. 190 is not vested. Jyotsna Sarkar is the raiyat in respect of 0.50 decimals of land in Plot No. 190.

2. The petitioner impugns the proceeding of the second meeting held by the BDO in compliance of the order passed by the Court in WPA 1058 of 2024 where the BDO opines that the petitioner possesses land in Plot No. 191 which is a vested land and any illegal encroachment made thereon will not be allowed.

3. From the records placed before the Court and the submission made on behalf of the parties it appears that there may be a wrong identification of the plot number. The petitioner asserts that she has her structure in Plot No. 190 and not in Plot No. 191. According to the report the structure of the petitioner is in Plot No. 191.

4. To ascertain actual facts and figures, the Court thinks it appropriate to direct the respondent authority to conduct a spot inspection upon prior notice to the petitioner.

5. The Block Development Officer, Mal Block is directed to intimate the Block Land and Land Reforms Officer, Mal Block to remain present at the time of inspection along with all records.

6. It will be open for the petitioner to engage her own surveyor and amin at the time of spot inspection. Report of spot inspection shall be served upon all the parties.

7. If it appears that any part of the petitioner's structure falls within the vested land, then necessary steps in accordance with law shall be taken after prior notice.

8. Till a fresh decision is taken in the matter by the Block Development Officer, the structure of the petitioner allegedly standing in Plot No. 190 shall not be disturbed.

9. The writ petition stands disposed of.

10. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)