

03.12.2024
Item 12, Ct.2
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**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION**

WPA 2411 of 2024

**M/s. Rajputana Realty Private Ltd. represented by its
authorized signatory Partha Sarathi Mandal**

-Vs-

The State of West Bengal & Ors.

Mr. Suddhasatva Banerjee,
Mr. Shashwat Nayak,
Mr. Sumit Biswas,
Mr. Rajashree Bhowmick
...for the petitioner.

Mr. Joyjit Choudhury, Ld. AAG,
Mr. Bedashruti Bose,
Ms. Rima Sarkar
...for the State.

Mr. Partha Pratim Roy,
Mr. Debasish Mukhopadhyay,
Ms. Srishti Sarkar
... for the added parties.

Mr. Bikramaditya Ghosh
...for the intervenor.

Supplementary affidavit to the writ petition
and affidavit-of-service filed on behalf of the petitioner
be kept with the record.

The petitioner is claiming to have acquired
title by dint of a registered deed of conveyance dated
November 23, 2023 in respect of 431 Decimals of land
comprised in R.S. Plot No. 223 and 230 corresponding
to R.S. Khatian No – 1442 within Mouza – Baropatiya
Nutan Bos.

The petitioner is alleging that due to the
interference of some unknown persons, the petitioner
is unable to enjoy its purchased land.

The petitioner, through its learned advocate
Mr. Sumit Biswas, has submitted a representation
dated October 05, 2024 before the B.L. & L.R.O, Sadar

Block, Jalpaiguri, the respondent no.3 herein, for demarcation of its purchased land; the said representation forms part of the writ petition being Annexure – ‘P4’.

Mr. Bikramaditya Ghosh and Mr. Partha Pratim Roy, learned advocates sought to intervene into the matter on behalf of their respective clients, who are also claiming title over the said plots of land. They jointly submit that in view of the pendency of suits over the title of the subject land, the writ petition is not maintainable. They further submit that the petitioner, in the earlier round of litigation, having failed to obtain order for protection of its alleged possession over the subject land, is now attempting to renew it.

Mr. Suddhasatva Banerjee, learned advocate for the petitioner, refuting the said contentions, submits that the subject land has no nexus with the properties involved in the said pending suits; one of the directors of the petitioner may, in his personal capacity, have been arrayed as party in one of such suits.

Heard the learned advocate(s) for the parties, perused the materials-on-record.

The petitioner, by its representation, though has prayed for demarcation of its purchased land but such drill cannot be carried out till the cloud over the title of the petitioner in respect of the subject land is completely cleared; however, the respondent no.3 can consider the said representation for the purpose of ascertaining as to whether the purchased land of the petitioner is involved in any of the pending suits and

the nature of claim of the clients of Mr. Ghosh and Mr. Roy over the subject land.

In view of the complexity of the issue, as suggested by Mr. Joyjit Chowdhury, learned Additional Advocate General, the S.D.L.R.O., Jalpaiguri, the respondent no.2 herein, is directed to dispose of the aforesaid representation of the petitioner in light of the observation(s) made above, in accordance with law, after giving the representatives of the petitioner and the respective clients of Mr. Ghosh and of Mr. Roy, an opportunity of hearing.

The petitioner shall supply the copy of the writ petition, and Mr. Ghosh and Mr. Roy shall supply the list of their clients to the respondent no.2.

The said respondent shall complete the drill in this regard within a period of **eight weeks** from the date of communication of this order.

W.P.A. 2411 of 2024 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)