

Item No.1
26.7.2024
Court No.19
SD

In the High Court at Calcutta
[Circuit Bench at Jalpaiguri]

WPA 2812 of 2023
With
CAN 1 of 2024
[Application not in the file]

Smt. Sarita Devi Agarwal & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Kunaljit Bhattacharjee	...for the Petitioners.
Mr. Momenur Rahman	
Mr. Sumit Kumar	...for the State.
Mr. Biswaroop Bhattacharya	
Mr. Biswabrata Basu Mallick	...for the Respondent No.7.
Mr. Amritam Mandal	...for the Applicant [in CAN 1 of 2024].

CAN 1 of 2024 is an application filed by one Bir Bahadur Tamang, son of late Kharka Bahadur Tamang for being added in the present writ petition. The application is not on record, as such a copy thereof supplied by Mr. Amritam Manndal, learned advocate for the applicant, is taken on record.

The District Registrar, Jalpaiguri, on the prayer of the respondent no.7, has put an embargo in registering document(s) in respect of the land, land comprised in RS Khatian No. 219/1, 701, 745/1, 701/11 (LR 2214, 2215 & 1978), in part of RS Plot No. 110/339, 110/192, 111, 111/170, (LR Plot No. 8, 9, 11 & 12) Pargana Baikunthapur, PS- Bhaktinagar, Dist. Jalpaiguri within Ward No.42 of Siliguri Municipal Corporation(‘the said lands’ in short).

The petitioners are praying that the said restriction be lifted as some of their lands are under the said lands for which they are unable to deal with the same.

It appears from the instruction dated June 25, 2024 received by Mr. Rahman, learned advocate for the State from the District Registrar,

Jalpaiguri that a prayer has been made before this Court for lifting of the said embargo.

A report is filed on behalf of the respondent no.7, let it be kept with the record.

Mr. Bhattacharyya, learned advocate for the respondent no. 7 submits that his client has no objection if the said embargo is lifted.

Mr. Mandal, learned advocate for the applicant of the said application submits that the lands belonging to his client since are within the said embargo, the same may be continued.

In view of the scope, the client of Mr. Mandal is neither a necessary nor a proper party to the instant writ petition.

CAN 1 of 2024 is dismissed without any order as to costs.

The applicant, however, is free to approach the concerned authority for appropriate order.

It appears from the said report of the respondent no. 7 that the said respondent is in possession of the Sevak House, at 4 Mile, Sewak Road, P.S. Bhaktinagar, (formerly Rajganj P.S.), District – Jalpaiguri. The lands comprised in the said premises form part of the lands under the said embargo.

To avoid recurrence of any untoward incident in the property under possession of the respondent no. 7, the concerned police authorities are directed to retain the police picket already present there until further order(s) of this Court or until any prayer for removal of such police picket comes from the end of the respondent no.7.

WPA 2812 of 2023 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Biswajit Basu, J.)