

S/L 7
13.05.2025
Court. No. 19
Suvayan

WPA 201 of 2024

**M/s Banik Enterprise
Vs.
The State of West Bengal & Ors.**

*Mr. Subir Sanyal, Sr. Adv.
Mr. Chittapriya Ghosh
Mr. Asit Ghosh
Mr. Aiswarjya Gupta*

...for the petitioner.

*Mr. Soumitra Bandyopadhyay
Mr. Srinath Singha Roy*

...for the State.

1. The exception to the report of the respondent nos. 5 to 7 as filed on behalf of the writ petitioner is taken on record.
2. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities, more specifically, respondent nos. 2 and 6 commanding him to take appropriate steps for grant of Long Term Settlement (hereinafter referred to as 'LTS' in short) in favour of the writ petitioner in respect of vacant land measuring about 8.84 acre situated at LR plot no. 6745, JL no. 11, Mouza – Orgram within Sahebganj-II Gram Panchayat, District-Purba Bardhaman.
3. At the time of hearing Mr. Sanyal, learned Senior Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court at page no. 56 of the instant writ petition being a copy of the memo dated 16.09.2017 as written by the respondent no. 6/authority to the respondent no. 7 asking him to enquire the availability of the Government vested land in connection with the aforementioned plot at the

aforementioned mouza on account of the prayer of the writ petitioner for granting LTS.

4. At this juncture, Mr. Sanyal draws attention of this Court to the copies of the series of the representation one of which has been annexed at page nos. 65 to 67 under cover of which the writ petitioner has made a representation for grant of LTS in respect of the aforementioned plot of land in the aforementioned mouza with the respondent no. 1/authority, but of no effect.
5. At this juncture, on behalf of the writ petitioner attention of this Court is drawn to the report in form of an affidavit as filed on behalf of the respondent nos. 5 to 7 as has been affirmed on 09.02.2024. It is submitted that from the said report of the respondent nos. 5 to 7 it would reveal that undisputedly the aforementioned plot of land measuring about 8.84 acre has been vested with the State and the same has been recorded in Khatian no. 1.
6. Mr. Sanyal further submits that the said report it would reveal that it has been practically admitted by the respondent nos. 5 to 7 that the writ petitioner is approaching the respondents/authorities since 19.06.2007 for grant of LTS for extension of his business in the said plot of land. It is further submitted that from the said report it would reveal further that subsequently it has been decided by the respondents/authorities that the said plot of land would not be transferred to any private party since that has been earmarked for establishment of Solid Waste Management Programme in Rural Bengal for changing the quality of life of the villagers by promoting cleanliness, hygiene education and elimination of unhealthy waste.

7. At this juncture, Mr. Sanyal submits before this Court that the writ petitioner is also conscious that the proposed upcoming beneficial project is very much required for enhancement of the quality of life of the villagers as well as for elimination of unhealthy waste, however, it has been ascertained by the writ petitioner that in the event the said upcoming Solid Waste Management Programme is implemented by the respondents/authorities on the said plot of land at best 6 katha of land may be required for implementation of such project and thus it has been stated on affidavit by the writ petitioner that there will be availability of huge quantum of land in the self-same plot of land since the measurement of the said plot of land is 8.8 acres whereas for the purpose of implementation of the SWM project only 6 katha is required as would be evident from page no. 11 of the report of the respondent nos. 5 to 7.
8. At this juncture, Mr. Sanyal draws attention of this Court to page nos. 6 to 9 of the exception as filed today being a copy of memo dated 26.12.2012. It is submitted that from the said memo dated 26.12.2012 it would reveal that the Government has adopted a land allotment policy by way of grant of long term lease for a period not exceeding 99 years and such lease will be granted to the prospective lessee by way of participation in auction where the highest bidder of such auction process will be selected for the purpose of grant of lease as per the said land allotment policy. It is further submitted by Mr. Sanyal that in respect of the remaining portion of the aforementioned plot of land, the writ petitioner is also agreeable to participate in auction process in the event the respondents/authorities more

specifically the respondent no. 6 make arrangement for such auction.

9. It is thus submitted by Mr. Sanyal that in view of such, the respondent no. 2 may be directed to consider the representation of the writ petitioner as has been annexed at page nos. 65 to 67 in the light of the memorandum dated 26.12.2012.
10. *Per contra*, Mr. Bandyapadhyay, learned Advocate appearing on behalf of the respondents/authorities, however, disputed the contention of Mr. Sanyal by saying that from the said report as affirmed on 09.02.2024 it would not reveal that in the said plot of land out of 8.8 acres only 6 katha is required for setting up the Solid Waste Management Programme in the self-same mouza.
11. Considering the rival submissions of the learned Advocates for the contending parties and upon careful consideration of the entire materials as placed before this Court, this Court while disposing the instant writ petition directs the respondent no. 6 to make a field verification through the respondent no. 7/authority after service of prior notice to the writ petitioner to ascertain how much quantity of land is required for setting up Solid Waste Management Programme in LR plot no. 6745, JL no. 11, Mouza – Orgram within Sahebganj-II Gram Panchayat, District-Purba Bardhaman and after obtaining such report, the respondent no. 6 shall forward the said report to the respondent no. 2 forthwith. The respondent no. 2 on receipt of such report of the jurisdictional BL & LRO, i.e., the respondent no. 7 herein through the respondent no. 6 shall consider the representation of the writ petitioner dated 27.12.2023 as has

been annexed at page nos. 65 to 67 of the instant writ petition in accordance with law and after giving an opportunity of hearing to the writ petitioner and/or his authorized representative and the respondent no. 6 and/or his authorized representative shall pass a reasoned order and shall forthwith communicate the same to the writ petitioner, preferably by mail, if the mail details of the writ petitioner is furnished to him at the time of hearing.

12. It made clear that the entire exercise as indicated in foregoing paragraph is to be completed by the respondent nos. 2, 6 and 7 within 60 working days from the date of communication of the server copies of this order to them.
13. Liberty is given to the learned Advocate-on-Record of the writ petitioner to communicate the server copies of this order along with copies of the representation dated 27.12.2023 to the respondent nos. 2, 6 and 7 for their immediate compliance.
14. Respondent nos. 2, 6 and 7 are directed to act on server copies of this order.
15. With the aforementioned observation, the instant writ petition being WPA 201 of 2024 is disposed of.
16. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)