

17.04.2025
Item No.32
PG/KS
Ct. No.1

W.P.A.(P) 92 of 2025
Hemchand Munda
Versus
The State of West Bengal & ors.

Mr. Raja Biswas
Mr. Abhijit Sarkar.....for the petitioner

Mr. Sk. Md. Galib
Ms. Priyamvada Singh.....for the State

1. By this writ petition, filed as a public interest litigation, the petitioner alleges that a representation given by a registered club dated December 16, 2024 has not been acted upon, wherein it has been alleged that the private respondents have encroached into a water body and they are filling up the water body and constructing residential premises in the said water body.
2. The Additional District Magistrate and District Land and Land Reforms Officer, North 24-Parganas has given written instruction to the learned advocate appearing for the State vide Memo dated April 16, 2025. From the said report, it is seen that the said plot is classified as 'Bilan' i.e. 'Agricultural Land' measuring 8.00 acres.
3. Therefore, the contention of the petitioner that it is a water body is incorrect and false.
4. Furthermore, as per the L.R. Record of rights, the subject land is partially vested to the State and subsequently, patta settlement has been awarded by the State to the landless under section 49 of the West

Bengal Land Reforms Act, 1955 and a few of the private respondents are beneficiaries.

5. Therefore, it is seen that the subject plot was never recorded as a water body in the revenue records and the writ petitioner also in his representation claims that the club is in occupation of the vested property stated to be used for pisciculture activities for a considerable length of time. However, there is no document to support such a claim and on inspection of the record of rights, it is seen that the petitioner is neither a rayat nor a settler by the appropriate authority in the subject plot. Therefore, the occupation of the petitioner in the subject land, as claimed in the writ petition is grossly illegal.
6. In the light of the above factual position, the case, as presented by the petitioner does not merit consideration and accordingly, the writ petition is dismissed.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)