

WPA(P) 105 of 2025
AMIRUL KHAN
VS
STATE OF WEST BENGAL AND ORS.

Mr. Mrintyunjoy Chatterjee, Adv.
Mr. Manas Das, Adv.
Mr. Debapriya Majumder, Adv.
Mr. Arindam Poali, Adv.
Mr. Akash Sarkar, Adv.

...For the Petitioner

Mr. Samrat Sen, A.A.G.
Mr. Nilotpal Chatterjee, Jr. Govt. Adv.
Ms. Manali Ali, Adv.

...For the State-Respondent

Mr. Debabrata Ray, Adv.
Mr. Kaustav Chatterjee, Adv.
Ms. Sarbani Mukhopadhyay, Adv.

...For the Respondent No.9

Mr. Piush Chaturbedi, Sr. Adv.
Mr. Bibekananda Tripathy, Adv.

...For the Respondent No.10

1. Affidavit-of-service filed by the learned advocate appearing for the petitioner is taken on record.
2. The petitioner has filed this Public Interest Litigation alleging that a property belonging to a school has been sold away by the headmaster at a throwaway price and, therefore, seeks for appropriate direction so that an enquiry is conducted and the sale deed is cancelled.
3. Firstly, in a writ petition that too in a Public Interest Litigation a direction cannot be issued to cancel a registered instrument, more so, when the purchaser of the property has not been impleaded as respondent in

the writ petition. A report filed by the District Inspector of Schools (S.E.), Purba Medinipur dated 2nd April, 2025, is taken on record. As could be seen from the report that the Beneficiary Committee which consists of guardians, teaching and non-teaching staff of the said school thought fit to dispose of the property which was a fragmented property lying far away from the existing school premises so as to raise fund to purchase additional lands adjoining the existing school so as to upgrade the facility of having an English Medium school in terms of the policy guideline of the School Committee. The petitioner alleges that the sale consideration which was received is of very meager far below the market price and the court has to see whether there is any justification to sell the property at the rate mentioned in the sale deed. Admittedly, the property is not under the possession of the school but is in the possession of 'Bargadars' and the property has been sold without handing over actual physical possession and the purchaser was ready and willing to purchase the property subject to whatever encumbrances that may be there in the property. Obviously, if that be the factual situation then it goes without saying that the property will not fetch the market value.

4. The learned senior advocate appearing for the Headmaster of the said school has produced a copy of the paper publication issued by the school

headmaster calling for tenders from willing purchasers of the property and it appears that the necessary procedure laid down by the government has been followed and the property has been sold, sale deed has been executed and sale proceeds was deposited in the bank account at State Bank of India, Nandigram Branch, Purba Medinipur and, therefore, the said fund has been utilised for purchase of land in the name of the school. Therefore, at a distance of time the question of cancelling a registered instrument by issuing a writ of mandamus cannot be entertained. Apart from that, purchaser of the property/properties has not been impleaded as the respondent. That apart, the School Education department is also being aware of the procedure followed and nothing adverse has been reported by the District Inspector of Schools (S.E.), Purba Medinipur. Therefore, we find no ground to interfere with the decision.

5. With the above observation, the writ petition is dismissed.
6. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(T.S. Sivagnanam)
Chief Justice

[Chaitali Chatterjee (Das), J.]