

01.09.2025
Item No.41
Ali
ct. no.24

WPA 11412 of 2025

**Mahabub Hossain
Vs.
State of West Bengal & Ors.**

Mr. Swagata Datta,
Ms. Trenesha Chandra
..... for the petitioner.

Mr. Ramesh Dhara
....for the private respondent.

Mr. Susovan Sengupta,
Md. Ahsanuzzaman,
Mr. Manas Kumar Sadhu,
Ms. Tuhina Parvin-1
....for the State.

Representation of the State was made in the earlier occasion i.e., on 18th of August, 2025 by learned Counsel Mr. Susovan Sengupta with his Junior Ms. Tuhina Parvin-1. In the earlier order dated 18th of August, 2025 erroneously names of learned advocates representation on behalf of State was not mentioned. Let it be corrected by the department within a fortnight.

Petitioner represents through Mr. Swagata Datta. Learned counsel for the petitioner submits that the respondent authority has selected private respondent for issuance of licence, who used a tribal land for construction of his godown.

He submits that according to the provision of Section 14(C) of Indian Tribal Act without owner's

permission, the land of the tribal owner cannot be transferred to a non-tribal.

In support of his contentions, he placed on record the information of Plot No. 368 under Mouza-Kamalpur, Block Itahar, District-Uttar Dinajpur. The said information containing page 59 of the writ petition, he also placed on record the information downloaded from the Government Portal, namely, Bhumir Tathya-Land Tools App wherefrom he wanted to rely the information in respect of the same plot of land. Where name of the private respondent was recorded in respect of the same plot of land, but it was not mentioned as tribal land.

Learned counsel on behalf of the State authority raised strong objection and submits that the information is very much clear that the private respondent never used the tribal land. He submits that the plot in question where the private respondent constructed his godown, is Plot No. 368/516, wherein the name of the private respondent was recorded under Khatian No. 1126 in respect of 8 decimal. The name of one Lakshman Murmu was recorded in respect of Plot No. 368 under Khatian No. 220 in respect of 33 decimal of land wherein it has been noted that the plot of land was tribal plot and the Section 14 (C) is applicable.

On plain perusal of the information, it appears that the Plot No. where the land was maintained by the tribal person, namely, Lakshman Murmu is different to the land wherein the private respondent has constructed the godown.

It further noted that under the L.R. operation, a plot of land may be divided by making separate patta plots. It is the procedure of L.R. operation that one person should have maintained his one personal Khatian; the Khatian of tribal person, namely, Lakshman Murmu is different to the Khatian of private respondent. Moreover, plots of land are also different.

Hence, I find no justification regarding the allegations made by the petitioner in this writ petition. However, the State authority has specifically submitted before this Court that the private respondent is the most suitable candidate, who was selected by the authority, which was not specifically challenged in the writ petition.

Under the above observations, I find no justification to entertain the writ.

Under the above observations, the instant writ petition is disposed of.

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Subhendu Samanta, J.)