

04.12.2025
rc/ct.no.05
Item No.10

**WPA No. 17910 of 2022
with
CAN No. 1 of 2025
Bijay Krishna Das
Versus
The State of West Bengal & Ors.**

Mr. Kajal Ray
Mr. Suman Nandi ..for the Petitioner

Mr. Amal Kumar Sen
Mr. Jaladhi Dasfor the State

Re : CAN No. 1 of 2025

Since CAN No. 1 of 2025 has not been traced out in the file, learned counsel for the applicant/petitioner produces a photocopy of the application, which is treated as the original copy of the application till the original copy of the application is traced out. Let the said photocopy of the application be taken on record.

The applicants who are heirs of the petitioner seek to substituted in place of the petitioner who has expired during pendency of the writ petition.

The application has been made within the statutory period of time and is allowed.

The cause title of the writ petition be amended accordingly.

CAN No. 1 of 2025 is disposed of accordingly.

Re : WPA No. 17910 of 2022

Reports submitted by the State are taken on record.

Learned counsel for the petitioners submits that their predecessor is the owner of the land in question. It was found that the name of the private respondent was mutated in respect of the property in place of his name. The original petitioner approached the Block Land and Land Reforms Officer (in short, "BL&LRO") and found that the said mutation was done on the day the application was filed. The original petitioner lodged complaint before the police authority alleging fraudulent transfer of the property behind his back. The complaint has not been acted upon.

It appears from the reports submitted by the State that the pursuant to an application made by the private respondent before the BL&LRO mutation case was initiated and the name of the private respondent mutated accordingly.

Learned counsel for the State submits that the said order is appealable under Section 50 of the West Bengal Land Reforms Act (in short, "the Act") and also, under Section 58 of the Act no suit, prosecution or other legal proceedings lie against any person for anything which is done in good faith or intended to be done in pursuance of the Act or any Rule made thereunder.

The report submitted by the police authority indicates that an application under Section 144(2) of the

Code of Criminal Procedure has been filed by one Palas Kumar Das on behalf of his father Ajoy Kumar Das against the petitioner and others alleging arbitrary attempt to dispossess them and occupy the land in question.

Be that as it may, since the petitioners allege that the complaint lodged by them before the police authority has not been responded to, in view of the law of the land laid down by the Hon'ble Supreme Court in the authority in Aleque Padamsee & Ors. Vs. Union of India reported in (2007)6 SCC 171, the petitioners are at liberty to approach the jurisdictional magistrate for redressal of their grievance.

In the meantime, the police authority shall keep strict vigil over the area in order to avoid any untoward incident and to ensure maintenance of law and order.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

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

(Suvra Ghosh,J)