

S/L 5
28.08.2025
Court. No. 19
Sourav

WPA 19997 of 2025

Subrata Dutta & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Subhadip Pramanik

Ms. Swastika Samanta

...for the petitioners.

Mr. Dwarika Nath Mukherjee

Mr. Manik Lal De

...for the State.

Mr. Mukteswar Maity

Ms. Manika Sarkar

...for the respondent no. 7.

1. The affidavit-of-service as filed today on behalf of the writ petitioners is taken on record.
2. At the time of hearing, Mr. Pramanik, learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to paragraph nos. 2 and 3 of the instant writ petition. It is submitted that it is the specific case of the writ petitioners that their ancestors were the owners of R.S. Plot No. 3639 corresponding to L.R. Plot No. 4548 and R.S. Plot No. 3635 corresponding to L.R. Plot No. 4544 in Mouza – Rajnagar Srinathgram and the said ancestors were all along in exclusive possession of the said two plots of land.
3. It is further submitted by Mr. Pramanik that on perusal of the copy of the RS & ROR as has been annexed at Page Nos. 26 and 27 of the instant writ petition, it would reveal that the name of the predecessors-in-interest of the present writ petitioners have been recorded in the RS & ROR.

4. It is further submitted by Mr. Pramanik that by way of inheritance, the writ petitioners have become owners the said two plots of land and it is the further case of the writ petitioners that they are also in peaceful possession of the aforementioned two plots of land as co-owners thereof.
5. At this juncture, attention of this Court is drawn to Page Nos. 56 and 57 of the instant writ petition, being copies of some orders as passed in Title Suit No. 69 of 2018 by a jurisdictional Civil Court in a suit between the plaintiffs and the private respondents.
6. It is submitted by Mr. Pramanik that it is the further case of the writ petitioners that all on a sudden, the writ petitioners came to learn that in respect of the aforementioned two plots of land, Patta was given to the private respondents. Feeling aggrieved, the writ petitioners approached the West Bengal Land Reforms and Tenancy Tribunal (hereinafter referred to as 'the said Tribunal' in short) by filing O.A. No. 82 of 2018 which was, however, disposed of on 21.02.2020 as withdrawn with a liberty to the present writ petitioners to submit fresh representation for annulment of Patta before the SDO, Kakdwip.
7. It is further submitted by Mr. Pramanik that after submission of the representation by the writ petitioners before the jurisdictional SDO, a field verification was conducted wherein the jurisdictional Revenue Inspector submitted a favourable report.
8. It is further submitted by Mr. Pramanik that despite submission of a favourable report by the jurisdictional

Revenue Inspector, the jurisdictional SDO for the reasons best known to him rejected the writ petitioners' representation by passing an order dated 23.11.2020, a copy of which has been annexed at Page Nos. 63 and 64 of the instant writ petition. It is further submitted that the appeal as preferred by the writ petitioners was also dismissed by the jurisdictional DL & LRO by his order dated 08.09.2022, a copy of which has been annexed at Page Nos. 66 and 67 of the instant writ petition.

9. It is further submitted by Mr. Pramanik that challenging the order of DL & LRO, another original application was filed before the said Tribunal which also came to be dismissed on 07.12.2023, a copy of which has been annexed at Page No. 70 to 73 of the instant writ petition. It is further submitted that from Page No. 74, it would reveal that a writ petition as preferred by the present writ petitioners before the Hon'ble Division Bench of this Court in WPLRT 13 of 2024 also came to be dismissed on 01.05.2025.
10. At this juncture, Mr. Pramanik draws attention of this Court to the notice under challenge dated 12.08.2025 as issued by the jurisdictional BL & LRO. It is submitted by Mr. Pramanik that from the notice under challenge, it would reveal that the jurisdictional BL & LRO without appreciating the right, title and interest of the writ petitioners over the aforementioned plots of land is going to make an attempt to evict the writ petitioners for delivering possession of the said two plots of land to the private respondents.

11. It is submitted by Mr. Paramanik that the aforementioned proposed action of the jurisdictional BL&LRO who is the respondent no. 5 is beyond his authority and, therefore, interference of this Court in the prerogative jurisdiction of this Court under Article 226 is very much required.
12. Such prayer is vehemently opposed by Mr. Maity, learned advocate appearing on behalf of the private respondents and Mr. Mukherjee, learned advocate appearing on behalf of the State.
13. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court finds no justification to interfere with the notice dated 12.08.2025 as issued by the respondent no. 5/authority.
14. This Court is conscious that being a writ court, this Court has got no machinery to decide the alleged right, title and interest of the present two writ petitioners over the aforementioned two plots of land. It rather appears to this court that no material could be placed before this Court on behalf of the writ petitioners that granting of patta by the authorities are unjustified.
15. In view of such, this Court finds no justification to interfere with the notice under challenge dated 12.08.2025 as has been issued by the respondent no. 5, keeping in mind that the Division Bench of this Court finds no perversity in the action of the respondents/authorities in granting patta in favour of the private respondents.

16. With the aforementioned observation, the instant writ petition being **WPA 19997 of 2025** is hereby dismissed.
17. However, there shall be no order as to costs.
18. 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.)