

19.6. 2025
item No.17
n.b.
ct. no. 24

WPA 21763 of 2022

**James Protyush Mullick @ Sebastian Mullick
Vs.
State of West Bengal & Ors.**

Mr. Subir Banerjee,
Mr. Md. Hossain,
..... for the petitioner.
Mr. Soumitra Bandopadhyay,
Mr. Subhasis Bandopadhyay,
..... for the State.

Petitioner purchased some portion of plot of land bearing plot nos. 173,174 & 175 lying under Mouza-Sikdar Pukuria under P.S. Datta Pukur, District North 24 Parganas.

It appears to the petitioner that there are some encroachment over the land by some private persons. He earlier approached this Court against police in action. However, while disposing of the writ petition a co-ordinate Bench of this Court instructed to the petitioner to approach civil Court to have his remedy thereof. Before approaching Civil Court, the petitioner filed an application under Section 6 of Right to Information Act, 2005 before the concerned Public Information Officer of Block Land & Land Reforms Department concerned vide an application dated February 26, 2021. In terms of his application, a short and cryptic reply was made by concerned Block Land &

Land Reforms Officer. He made a representation to the authority concerned. His representation was not considered. Hence this writ application.

It is the contention of the learned counsel for the petitioner that the authority concerned has not correctly gone through his application under Section 6 of RTI Act and cryptic reply has been passed. So, he prayed for necessary direction.

Having heard learned counsel for the parties and considering the issue involved therein, it appears that truly, the Public Information Officer of Land and Land & Land Reforms Officer has replied very cryptically and which is not in the tune of the questions made by the petitioner vide his petition dated 26.2.2021.

However, there are provisions of appeal against the reply dated April 13, 2021 passed by the Block Land & Land Reforms Officer concerned. However, the time for appeal has already been elapsed, rather, it would be appropriate for the petitioner to file a separate new RTI application to the authority concerned to have his answer.

I make it clear that the authority concerned must reply the RTI application of the petitioner according to law.

Under the above observation, the writ petition is disposed of with a direction to the petitioner to submit the RTI application to the Public Information Officer,

Block Land & Land Reforms Officer, North 24 Parganas concerned within two weeks from date of passing of this order coupled with a copy of this order.

On receiving such application, the concerned Public Information Officer shall forward the reply to the petitioner according to law as early as possible most preferably within two weeks from the date of filing of the said application. The reply should be communicated to the petitioner within one week.

I make it clear that this court has not entered into the merit of the matter, the authority concerned shall dispose of the RTI application according to law without being influenced by any observation of this Court.

The decision of the authority shall be intimated to the petitioner within two weeks thereafter.

Since no affidavits have been exchanged between the parties, the allegation made in the writ petition shall be deemed to have been not admitted.

Accordingly, the writ petition is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)