

S/L 8
26.11.2025
Court. No. 25
suvayan

WPA 26939 of 2025

Sk. Ashiruddin & Ors.

Vs.

The Principal Secretary, West Bengal
Home and Hill Affairs Department & Ors.

Ms. Ayasha Najrin
Ms. Khadija Khatoon

...for the petitioners.

Mr. Amal Kr. Sen, Ld. A.A.G.
Mr. Jayanta Samanta
Mr. Lal Mohan Basu

...for the State.

1. The petitioners have filed the present writ application praying for a direction upon the District Magistrate and the Police authorities not to dispose the petitioners from landed property without due process of law and to further direct the respondents/authorities not to change the nature and character of the landed property. The petitioners have further prayed for a direction upon the respondents particularly the BL&LRO to consider and dispose of the petitioners' application dated October 9, 2023 for grant of 'Patta' settlement under Section 49 of the West Bengal Land Reforms Act, 1955 with respect of the land being Dag no. 183, Khatian no. 1, Mouja – Malatipur, J.L. no. 129, P.S. Chanchal, Block – II, District – Malda in favour of the petitioners.
2. The learned counsel for the petitioners submits that the petitioners are in occupation of the property-in-question for the last several years and subsequently the petitioners have made several request for consideration of the case

of the petitioners for issuance of 'Patta' but that has not been considered. She further submits that all of a sudden the police authorities have entered into the land of the petitioners and threatening the petitioners for evicting the petitioners from the said property.

3. Per contra, learned counsel for the State submits that the writ petition filed by the petitioners is not maintainable. He submits that the Additional District Magistrate and the District Land and land Reforms Officer, Malda has handed over the possession of the property-in-question to the police authorities for construction of a Police Station in Chanchal in the District of Malda. The learned counsel for the State has also handed over the document and submits that the land-in-question is not an agricultural land this is a vested land.
4. He further submits that the petitioners have already approached the West Bengal Land Reforms and Tenancy Tribunal praying for a direction for consideration and disposal of the application filed by the petitioners for grant of 'Patta' but pending disposal of the application before the Tribunal, the petitioners have filed the present writ application. He prays for dismissal of the present writ application.
5. Heard the learned counsel for the respective parties.
6. Perusal of the materials on record and document submitted by the State, it is finds that the land-in-question is not the agricultural land and the authorities have already allotted the said land to the police authorities for construction of the Police Station. The

petitioners have already filed an application before the Tribunal praying for consideration of the representation for grant of 'Patta' and the same pending before the learned Tribunal. This Court is also perused the application filed by the petitioners before the Tribunal wherein the petitioners also prayed for an interim order restraining the respondents for interfering and disturbing the possession of the petitioners over the property-in-question.

7. The authorities have already allotted the land to the police department for construction of a Police Station. The petitioners have initiated a proceeding before the Tribunal and the same is pending for adjudication. Thus the writ application filed by the petitioners is not maintainable.
8. Accordingly, the writ petition is dismissed.
9. However, the dismissal of the present writ application will not prevent the petitioners to proceed with the application before the Tribunal.
10. However, there shall be no order as to costs.
11. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)