

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 13.01.2025

DELIVERED ON: 13.01.2025

CORAM:

**THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

F.M.A. 68 of 2025

With

I.A. No. CAN 2 of 2024

Harunal Rasid Midya

Vs.

The State of West Bengal & Ors.

Appearance:-

Mr. Kazi Sajjad Alam

.....For the Appellant

Mr. Amal Kumar Sen, Ld. AGP

Mr. Lal Mohan Basu

.....For the State

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal by the 4th respondent in W.P.A. 17941 of 2024 is directed against the order dated July 24, 2024 by which the learned Single Bench disposed of the writ petition by passing the following order:-

“Learned counsel appearing for the petitioner submits that the petitioner is the owner of a property in question and the private respondents with the help of their men and agents are trying to grab the property of the petitioner but no steps have been taken by the respondent authorities till date.

Learned counsel appearing for the State denies the allegations and submits that the police authorities are enquiring into the matter and files a report.

Let the report filed by the State be kept with the record.

Even after service no one appears for the private respondents.

In the meantime, the police authorities shall keep a sharp vigil at the locale and ensure that no harm is done to the petitioner or his family members and no one disturbs the petitioner to conduct his vocation of agriculture.

With the above direction the writ petition is disposed of.”

2. As could be seen from the above order, the appellant, who was the 4th respondent in the writ petition, despite service of notice, did not appear before the Court. Nonetheless, the learned Writ Court has not issued any positive direction based on the allegations made by the writ petitioner and all that has been directed is to the police authorities to keep a sharp vigil at the locale and ensure that no harm is done to the writ petitioner or his family members and no one disturbs the writ petitioner to conduct his vocation of agriculture.
3. The writ petitioner alleges that the revenue records have been illegally corrected and as against the order passed by the Block Land & Land Reforms Officer, the appellant had filed an appeal before the Sub-Divisional Land & Land Reforms Officer, Bishnupur, Bankura and the appeal was heard but, till date, order has not been passed.
4. It is alleged that based on the order passed in the writ petition, the police authorities have, in fact, permitted the writ petitioner to illegally take possession of the property. As could be seen from the order passed in the writ petition quoted above, no such direction was issued to the police authorities. In any event, the appellant has to pursue the matter before the

Sub-Divisional Land & Land Reforms Officer, Bishnupur, Bankura before whom the appeal is pending.

5. Therefore, we dispose of this appeal giving liberty to the appellant to file a petition before the Sub-Divisional Land & Land Reforms Officer, Bishnupur, Bankura to pass a reasoned order on the appeal petition filed by the present appellant. Since the hearing is stated to have been concluded, such order shall be passed by the appellate authority within a period of three weeks from the date of receipt of server copy of this order.
6. Since, the Sub-Divisional Land & Land Reforms Officer, Bishnupur, Bankura is not a party in this appeal, the petitioner is at liberty to submit a representation enclosing a copy of this order and requesting for an early decision in the matter. It will also be well open for the appellant to work out his other remedies, if it is alleged that forceful possession has been taken by the writ petitioner.
7. Attention of this Court has been drawn to the order dated December 16, 2024, wherein it has been recorded that the appellant has filed the certified copy of the impugned order, however, the certified copy is not available with the records.
8. Learned advocate on record of the appellant is permitted to file a photocopy of the certified copy in course of this day.
9. The department is directed to trace out the original certified copy. Till the original certified copy is traced out, the photocopy of the same shall be treated as the original.
10. Accordingly, the appeal along with the connected application (CAN 2 of 2024) stand disposed of.

11. No costs.
12. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)

Pallab/KS AR(Ct.)