

19.05.2025
Court No.1
Item No.8
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**MAT 37 of 2025
CAN 1 of 2025**

**Mukul Das and Anr.
Vs.
The State of West Bengal and Ors.**

Mr. Nripen Das
Mr. Debanjan Das

... For the Appellants.

Mr. Momenur Rahman
Mr. Bikash Singha

... For the State.

Mr. Sabyasachi Mukhopadhyay
Mr. Deborshi Dhar

... For the Private Respondent.

1. The challenge in the instant appeal is to an order dated 25th April, 2025 passed by a Single Bench of this Court by WPA 495 of 2025.

2. The Court received a report from the respondent No.7/B.L.& L.R.O, Kharibari, Darjeeling. The report indicates that in no uncertain terms that Plot No.831 belongs to Darjeeling Improvement Fund.

3. Learned counsel for the appellants submits that the said Plot No.831 is the subject matter of a Civil Suit between the appellants and the writ petitioner/ respondent and other parties.

4. He argues that when a civil dispute is pending in respect of a land, a writ court generally does not intervene. The Civil Court is equipped with powers to receive evidence by oral and documents.

5. This Court, however, notes that the proposition of law advanced by the learned counsel for the appellants has no manner of application in the instant case. The office of the B.L. & L.R.O. has clearly held that the Plot No.831 belongs to the Darjeeling Improvement Trust. Any encroachment on public property is liable to be removed forthwith since public at large likely to be prejudiced and inconvenienced if citizens occupy public land. If, however, the parties have any grievance with regard to title and ownership of Plot No.831, they may approach the authorities under the West Bengal Land Reforms Act against the report of the B.L. & L.R.O., Darjeeling.

6. Instead the appellant has chosen to file a civil suit against the writ petitioner and vice a versa both of whom are private persons, the subject matter of which is Government property.

7. Learned counsel for the writ petitioner/respondent submits that his suit is in respect of Plot No.826.

8. The B.L. & L.R.O. shall also examine the exact nature, character and title of Plot No.826 and take steps for removal of any encroachment on any public land whatsoever.

9. In view of the aforesaid observations, the instant appeal fails and is hereby dismissed.

10. Consequently, all connected pending applications, if any, shall also stand dismissed.

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

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)