

Item No. 8
01.7.2026
Court. No. 12
Cp

FMA 2359 of 2013

Smt. Ranu Dewan & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sujit Kr. Rath
Mr. Monotosh Panja

.....for the applicants.

Ms. Susmita Saha Dutta, Ld. AGP
Ms. Tanusree Ghosh
Ms. Madhurima Basu

.....for the State.

1. Ms. Susmita Saha Dutta, learned Additional Government Pleader is engaged in this matter with a junior of her choice to appear for the State. Her appointment be regularized.
2. The appeal has been filed challenging an order dated September 13, 2012, passed in WP No. 7449(W) of 2012. By the order impugned, the learned Single Judge dismissed the writ petition. It was observed that the factual issues which were raised in the writ petition could not be adjudicated by the writ court.
3. This appeal was admitted and the authorities were directed to conduct a demarcation of the appellants' land and file a report. The demarcation was directed to be made on the basis of the decree passed in Title Suit No.139 of 1970. The demarcation was conducted accordingly and the Block Land & Land Reforms Officer, Sonamukhi, upon completion of the demarcation

had prepared a map and submitted a report before this Court.

4. It appears that all parties were present during such demarcation of L.R. Plot No.86 of Churamanipur Mouza on September 13, 2017. It was found that, the decree in the Title Suit was passed on the basis of the RS records and the RS map. Bata plots were carved out at the time of preparation of the LR records from the R.S. Records. From the field verification it was revealed that the area of 2.31 acres over which the appellants had originally claimed ownership was occupied in the following manner:-

- “a. Ram Chandra Mondal & five others already recorded 0.68 acres land of this plot in their name after purchase from Dhirendra Nath Dewan.
- b. Krishi Vigyan Kendra, Sonamukhi, Bankura exist over 0.84 acres of land of this plot.
- c. Legal heirs of Late Annada Kanta Ghosh son of Ramchandra Ghosh exist 0.38 acres of this plot.
- d. Legal heirs of Late Suryakanta Dey son of Ramprasad Dey exist over 0.22 acres of this plot.
- e. Sukhendu Bikash Bhattacharya son of Bagala Bhattacharya (sic) exist over 0.19 acres of this plot.

All totaling to 2.13 acres.”

5. The map which was filed along with the report indicated that the two storeyed structure of Krishi Vigyan Kendra, Sonamukhi, Bankura was not within the area claimed by the appellants.
6. From another report which was filed pursuant to the order of our predecessor, by the Deputy Magistrate &

Deputy Collector, it appears that total area of L.R. Plot No.86 measured around 11.98 acres, out of which 3.31 acres was recorded in the name of the Collector in terms of the decision in B.R. Case No.76/1961. The Krishi Vigyan Kendra was constructed over 2.86 acres of the plot which was recorded in the name of the Collector. Although, it was recorded that some private plots may have been involved in the construction of the Kendra, the land of the appellants was outside the area on which such construction was made. The land of the appellants was recorded in Khatian No.97/1, measuring about 1.50 acres, as per the records. The said land was not involved in the construction of the Kendra. The land of the appellants which were recorded in the name of Dhirendra Nath Dewan was not involved in the project. Thus, the question of compensating the appellants upon acquiring their land did not arise. The demarcation map, the reports, the land records and the nature of possession of the lands, are contrary to the case pleaded in the writ petition.

7. In view of the factual aspects which have been brought on record by the survey, demarcation and the maps prepared by the state respondent, we find that nothing remains to be decided in this appeal. We cannot go beyond the findings of the authority. We are not equipped to adjudicate the right, title, ownership and possession of the appellants.

8. Accordingly, the appeal is dismissed. There is no scope to interfere with the order impugned.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Smita Das De, J.)