

Item No.77  
09.01.2026  
Court. No. 2  
(gc)

*CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
APPELLATE JURISDICTION*

WPA 2280 of 2025

Sanjib Kumar Dey & Anr.  
VS  
The State of West Bengal & Ors.

*Mr. Arnab Saha,  
Mr. Md. Shoaib Akhtar*

*...for the Petitioners.*

*Mr. Momenur Rahman,  
Mr. Nabankur Paul*

*...for the State.*

*Ms. Suman Sehanabis*

*...for the Cooch Behar Municipality.*

1. The report filed by the Municipality is taken on record.
2. The petitioners are aggrieved by the alleged occupation of their land by the Municipality and the construction being raised thereupon.
3. It is an admitted position that the land is recorded in L.R. Khatian No.1 and stands in the name of the Collector, Cooch Behar.
4. The Municipality's case is that the land had vested long time ago. The land was identified for construction of a primary health centre. The unauthorized occupants of the said land were served eviction notices and thereafter, the construction work had commenced.

5. The petitioners rely on a deed of 1952, claiming to have a right over the property. However, the petitioners have not been able to show any document, which would indicate that the petitioners' possession in respect of the said land, had been recorded in the land records maintained at the office of the Block Land and Land Reforms Officer. The record of rights are neither in the name of the petitioners nor their predecessors.
6. Under such circumstances, such disputed fact cannot be decided by the Writ Court. The petitioners have already approached the District Land and Land Reforms Officer for correction of the record of rights.
7. The petitioners are at liberty to take steps in accordance with law. If the petitioners claim right, title and interest in respect of the land on the basis of a title deed, the said issue has to be decided by a civil court, in accordance with law.
8. The District Land and Land Reforms Officer shall decide the matter in accordance with law, and if the petitioners are aggrieved by any order passed by the District Land and Land Reforms Officer, the Land Reforms and Tenancy Tribunal, would be the appropriate forum to decide such issue.
9. Accordingly, the writ petition is disposed of.
10. However, there shall be no order as to costs.

11. The parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**