
(2018) 01 CAL CK 0024
In the Calcutta High Court
Case No : 27333 (W) of 2016

Shyamali Patra

APPELLANT

Vs

The State of West Bengal & Ors.

RESPONDENT

Date of Decision : 11-01-2018

Acts Referred:

West Bengal Land Reforms Act, 1955, Section 51A(5) - Draft and final publication of the record-of-rights

Citation : (2018) 01 CAL CK 0024

Hon'ble Judges : Debasish Kar Gupta

Bench : Single Bench

Advocate : Rabilal Moitra, Asok Kumar Janah, Ina Bhattacharyya, Krishna Deo Das, Kalipada Chakraborty

Final Decision : Disposed oFF

Judgement

1. None appears on behalf of the respondent Municipality when this matter is called on. No accommodation is prayed for.
2. By an order dated January 3, 2018 passed in this matter, the parties have been directed to produce the original records of rights in respect of the land in question before this Court on the next date of hearing.
3. Having heard the learned Advocate appearing on behalf of the respective parties, who are present before this Court today as also after considering the facts and circumstances of this case, I find that the dispute centers around an alleged unauthorized construction raised on a plot of land lying and situated at L.R. Plot No. 968/1158 of Mouza - Purusottampur, J.L. No. 24. The measurement of the land was 0.05 decimals.
4. The respondent Municipality, after hearing the parties, arrived at a conclusion by virtue of the impugned order dated November 2, 2016 that construction had been carried on by the respondent nos.5 and 6 on the land in question which has

been recorded in their favour as also they had been in possession of the above land.

5. After taking into consideration an order dated August 28, 2015 passed in connection with a proceeding under Section 51A(5) of the West Bengal Land Reforms Act, 1955 by the appellate authority, I find that recording of the names of the predecessors-in-interest of the respondent nos.5 and 6 were quashed and set aside.

6. While considering the order impugned, I do not find that the above aspect of the matter was not taken into consideration by the Municipality.

7. In that view of the matter, the impugned order stands quashed and set aside.

8. The respondent Municipality is directed to consider the grievance of the petitioner afresh in accordance with law taking into consideration all the relevant materials including the documents recorded hereinabove and pass a reasoned order after giving opportunity of hearing to all the parties concerned within a period of six weeks from the date of communication of this order.

9. Accordingly, this writ petition stands disposed of.

10. There will be, however, no order as to costs.

11. Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.