

WP(C) 7732/2017
BEFORE
HON'BLE MR. JUSTICE HRISHIKESH ROY

The matter pertains to the land of Binod Nagar Tea Estate (T.E) in Dwarband of Cachar district. The tea garden was acquired by the petitioner company but the production in the T.E. suffered for some years. The Government at that stage initiated steps for acquiring the ceiling surplus land of the T.E. under the Land Ceiling Case No.2/1973 - 1974 and in the process, large chunk of T.E. land was acquired.

Aggrieved by the above process, the petitioner filed the Revision petition before the Government in March, 1999 (Annexure-2) but the same is lying undisposed at the Government level.

The Deputy Commissioner, Cachar, Silchar in his comments made on 22.4.2000 (Annexure-4) has indicated that part of the acquired land was distributed amongst local small tea growers but the balance 300 Bighas of land is tea growing compact area and the same is in possession of the tea company.

The petitioner has recently learnt from the Caveat filed by the Keshab Smarak Samiti (respondent No.5) that the above land is proposed to be allotted to the private respondent for the multipurpose project centre and necessary recommendation is made for allotment by the Sub-Divisional Land Advisory Committee (SD LAC).

The learned Counsel Mr. B. Dutta refers to the letter dated 25.8.2017 of the D.C., Cachar, Silchar to show that a proposal is forwarded to the Government for allotment of the ceiling surplus land, in favour of the Keshab Smarak Samiti (respondent No.5). Assailing the legality of the process, the petitioner firstly contends that the concerned land is suitable only for special cultivation and the same will be of no use for other type of cultivation, for landless people. It is further contended that such ceiling surplus land can only be earmarked for landless category people but cannot be allotted for a multipurpose project centre, as has been proposed by the Keshab Smarak Samiti (respondent No.5).

In view of above, let Notice returnable in 6 weeks be issued. Mr. S.S. Roy, the learned Government Advocate accepts notice for respondent Nos.1 - 4. Necessary extra copies be furnished to him.

The petitioner to ensure service on the respondent No.5, by registered post.

In the interim, status quo on the allotment proposal dated 25.8.2017 (Annexure-9) shall be maintained, until the returnable date.