

38. 12.07.2023  
Bd. Ct.02

CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI

W.P.A. 1249 of 2023

Sri Jagadish Prasad Agarwal & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Joydip Kar  
Mr. Amalesh Roy  
Mr. Subhasish Misra

....for the petitioners.

Mr. Bikramaditya Ghosh,  
Mr. Momenur Rahaman

....for the State.

Mr. Deborshi Dhar

... for Siliguri  
Municipal  
Corporation

Ms. Supriya Singh

... for NHAI.

Mr. Naba Kumar Paul

... for the respondent  
nos. 16, 17,18

The issue centres around 0.73 acres of land under Dag No. 460, Mouza- Mandalaguri, Police Station- Siliguri, District- Darjeeling. By presenting this writ petition petitioners have complained of encroachment of the land measuring 0.73 acres by the State respondents and in support of the same attention of this Court has been drawn to page 103 of the writ petition.

It has been submitted by Mr. Kar, learned

senior advocate upon placing reliance on the documents which are at pages 103 and 104 that 0.73 acres lies with the petitioners and rest of land has already been acquired by respondent authorities. In support of the contention of the petitioners reliance has also been placed on mutation certificates which are annexed from pages 55 to 63 of the writ petition issued by the prescribed authority under section 50 of the West Bengal Land Reforms Act, 1955.

Since an allegation has been made that said 0.73 acres of land under Dag No. 460 has been encroached by the authorities this Court directs the Block Land and Land Reforms Officer, Matigara, District- Darjeeling, to submit a report in the form of an affidavit before the next circuit commencing from 31<sup>st</sup> July, 2023.

Let the report be filed within three weeks from date with an advance copy upon the learned advocate representing the petitioners.

List the matter before the next circuit on 7<sup>th</sup> August, 2023 subject to convenience.

Let status quo relating to the said land measuring 0.73 acres be maintained till 31<sup>st</sup> August, 2023 or until further order whichever is earlier.

Learned advocate representing the petitioners

is directed to amend the cause-title of the writ petition and add Block Land and Land Reforms Officer, Matigara, District- Darjeeling, as additional respondent in course of this day and serve a copy of the writ petition upon the added respondent within a week from date enclosing copy of the order passed by this Court today.

Learned advocate for the petitioners is directed to file affidavit of service on the adjourned date.

**(Saugata Bhattacharyya, J.)**