

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 23949 of 2023

RDB Sanwaria Charitable Trust & Ors.

Vs.

The State of West Bengal & Ors.

**For the petitioner : Mr. Pradip Kumar Tarafdar,
Mr. Sambuddha Dutta**

**For the State Respondents : Mr. Chandi Charan De, AGP
Mr. Sadhan Halder**

Judgement on : 16.10.2023.

Bibek Chaudhuri, J.

Affidavit of service on behalf of the petitioner be taken on record.

It appears from the record that petitioner No.1 is a public charitable trust of which petitioner Nos.2 and 3 are the trustees. It is submitted on behalf of the petitioners that as per the direction in the charitable trust, the petitioners acquired the subject land for construction of a medical unit and old age home over the said plot of land. Since the subject land was recorded as pukur (pond) though

there was no existence of pond at the time of purchase of the land as well as from the report of the local ward councilor and the police since last 30/40 years, the petitioner Nos.2 and 3 made an application under Section 4(c) of the Land and Land Reforms Act for conversion of the land from pukur to bastu. However, the BL & LRO passed an order dated 22nd September, 2023 directing the petitioners to demolish the structure constructed by the petitioners on the land and to restore the land to its previous condition within 15 days from the date of issuance of the said letter.

It is submitted by the learned Advocate for the petitioners that on the basis of the said letter dated 22nd September, 2023, police attached to Jamuria Police Station made an enquiry and also reported that there was no existence of pond over the disputed land.

I have also heard the learned Additional Government Pleader on behalf of the State respondents.

In view of the documents filed by the petitioners, this Court is of the view that the DL & LRO should reconsider the prayer of the petitioners in the light of the documents filed by them.

Therefore, the instant writ petition is disposed of giving liberty to the petitioners to file a representation before the jurisdictional DL & LRO to reconsider their prayer for conversion of land under Section

4(c) of the West Bengal Land and Land Reforms Act within 30 days from the date of communication of this order.

In the meantime, operation of the order dated 22nd September, 2023 passed by the BL & LRO, Jamuria be stayed.

(Bibek Chaudhuri, J.)

***Mithun.
A.R. (Ct).
SI No.13.***