

Mantu Kumar Panja And Ors Vs State Of West Bengal And Ors

Court: Calcutta High Court (Appellate Side)

Date of Decision: Jan. 16, 2025

Hon'ble Judges: T.S. Sivagnanam, CJ; Hiranmay Bhattacharyya, J

Bench: Division Bench

Advocate: Sk. Md. Galib

Final Decision: Disposed Of

Judgement

1. This writ petition has been filed as a public interest litigation praying for a direction upon the respondent authorities to take necessary steps to return

the land of the petitioners taken for the purpose of pisciculture activities and to bring back the same to its original condition for agriculture purpose.

2. Ongoing through the representation submitted by the four petitioners which is annexure P-2 in the writ petition, we find that the petitioners

themselves were voluntarily given the land in the year 2018 for pisciculture purpose and a pond was dug in the land. There appears to be some dispute

between the persons who engaged for pisciculture purpose and the petitioners which essentially a private dispute.

3. The Inspector of Police, Patashpur Police Station, Purba Medinipur has enquired into the matter and submit a report. The operative portion of the

report is as follows:

"During enquiry in presence of local disinterested people, it revealed that a land dispute (Plot No-202, Mouza-Kanakpur) is arising in between petitioners and

Private Respondent No-8,9, 10, 11, 12 & 13. The petitioners wish to sell his land to the Private Respondent-9, 10, 11, 12 & 13. In this regards a verbal agreement was

established with the petitioners and private respondent No-9, 10, 11, 12 & 13. The private respondent No-9, 10, 11, 12 & 13 gave money to the Petitioners as per their

verbal agreement. But they did not registry the dispute land from the petitioners. Later on the private respondent No-9, 10, 11, 12 & 13 were giving lease the said land

to the Private Respondent No- 8 namely Buddhadeb Mal. Buddhadeb Mal is a fishery owner and he taken lease the said land from the private respondent No-9, 10,

11, 12 & 13. Private respondent No- 8 namely Buddhadeb Mal paid money to the private respondent No-9,10,11,12 & 13 as per lease agreement. Now the petitioners

demand that as the land was recorded in their name so the Private Respondent No- 8 namely Buddhadeb Mal (Fishery owner) must be paid lease agreement money to

them. Several time peaceful meeting was arranged by the lease committee and Fishery committee to solve the problem but the petitioners not agree to obey the

committee decision. This matter is diarized in GDE in c/w Patashpur PS GDE No. 526 Dated-10.12.2024.

4. From the above report it is seen that there is a dispute between the petitioners and the private respondents which essentially arising out of a lease

agreement entered and the allegation is that their money has not been paid.

5. This issue cannot be agitated in a public interest writ petition.

6. However, it is well open to the land owners to pursue the other remedies available under law if they have been wrongfully denied their share profits

or the land have to be returned to them.

7. For the above observations, the writ petition stands disposed of.