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W.P.L.R.T. 77 of 2012

Mr. Bhaskar Ch. Manna
... .. for the petitioner

Mrs. Sipra Mazumdar,
Mrs. Susmita Biswas Chowdhury
... .. for the State

This application has been filed challenging the order dated 30th June, 2011 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A. 3018 of 2007 whereby the said learned Tribunal rejected the prayer of the petitioner for issuing direction upon the respondent authorities to demarcate the boundary of the land in question of the said petitioner.

While rejecting the prayer of the petitioner, learned Tribunal accepted the submission of the Government representative that no Government *Amin* should be provided for demarcation of the private land if the public interest is not adversely affected.

The learned Advocate of the petitioner submits that direction should have been issued for demarcation of the land of the petitioner by the Government *Amin* in terms of Section 56 of the West Bengal Land Reforms Act, 1955. Section 56 of the West Bengal Land Reforms Act, 1955 is set out hereunder:

“56. Power to enter upon land, to make survey, etc.- A Revenue Officer, or any officer authorised by him subject to any rules made under this Act, may at any time enter upon any land but not a dwelling house with such officers or other persons as he considers necessary, and make a survey or take measurement thereof or do any other acts which he considers to be necessary for carrying out any of his duties under this Act.”

Considering the aforesaid provisions of Section 56 of the West Bengal Land Reforms Act, 1955, we are of the opinion that the State-respondents are not obliged to provide any *Amin* for the purpose of measurement and demarcation of the private land specially when no public interest is involved. Section 56 of the West Bengal Land Reforms Act, 1955 has no manner of application in the facts of the present case.

For the aforementioned reasons, we are of the opinion that the learned Tribunal has rightly rejected the prayer of the petitioner herein and we do not find any error and/or infirmity in the decision of the said learned Tribunal.

Therefore, we affirm the decision of the learned Tribunal and dismiss this application for want of merit.

In the facts of the present case, there will be no order as to costs.

Let urgent xerox certified copy of this order, if applied for, be given to the learned Advocates of the parties on usual undertaking.

(Pranab Kumar Chattopadhyay, J.)

(Mrinal Kanti Sinha, J.)