

**Circuit Bench of Calcutta High Court
at Jalpaiguri**

10 **04.04.**
sm **2019**

W.P.A.53 of 2019

**Rinku Bhagat
Versus
The Union of India & Ors.**

Mr. Abhik Sarkar.
.....for the petitioner.

Mr. Indrajeet Dasgupta.
.....for the Union of India.

In the present writ petition petitioner is aggrieved by the impugned notice dated 22nd February, 2019 issued by the Estate Officer, Sukna Military Station addressed to the husband of the petitioner relevant portion of which is as follows:-

“2. The Defence land on which the Defence Road exists (LR Plots 285, 286 and 446), extends 85 feet either side from the crossing outside Trishakti Dwar, therefore 75 feet either side along the road and finally culminates near the Army Traffic Control Post. These statistics were provided by Defence Estate office, Siliguri and were physically confirmed, verified and surveyed on ground by Block Land & Land Reforms Office staff of Matigara.

3. During the process of the Joint Survey, it was established that your property had encroached into the Defence Land by 06 feet. The Land is A1 defence land and the encroachment of 06 feet by your house is therefore in contravention to the provisions of sub

section (i) of the Act and is hence considered unauthorized and illegal.

4. In view of the aforesaid, you are hereby called upon to remove the said unauthorized encroachment within 15 days of receipt of this Notice.

5. Should you fail to comply with the aforementioned instructions further necessary actions would be initiated in accordance with the provisions of the Act.”

Today during course of hearing Indrajeet Dasgupta, learned advocate appearing for the Union of India submits that wrongly the impugned notice dated 22nd February, 2019 was issued to the husband of the petitioner. He also submits on instruction that the property in respect of which the impugned notice dated 22nd February, 2019 was issued is owned by the petitioner namely, Rinku Bhagat but by mistakenly the impugned notice was served to the husband of Sm.Rinku Bhagat.

Accordingly, the impugned notice dated 22nd February, 2019 is set aside with liberty to the concerned respondent authorities to take steps in accordance with law, if so advised.

The writ petition is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, shall be given to the parties upon compliance of usual formalities.

(Saugata Bhattacharyya, J.)