

16/09/2020

Item No. 4

AB/S DE

Through Video Conference

W. P. A. 6373 of 2020

With

I.A. No.CAN/1/2020

(Old No. CAN/4950/2020)

Biplab Kumar Chowdhury

-Vs-

The State of West Bengal & Others

Mr. Bhaskar Prasad Banerjee,
Mr. Aniket Mitra,
Mr. Parashar Baidya ...for the Petitioner.

Mr. Kishore Dutta, Ld. AG,
Mr. D. Chatterjee,
Mr. Simanta Kabir,
Mr. Sayan Sinha ...for the State.

Mr. Sandip Ghosh,
Mr. Sudarsan Roy,
Mr. Debanjan Ghosh ...for North Dum Dum
Municipality.

We have heard learned Counsel for the petitioner, learned Advocate General and Mr. Kabir for the State.

The short grievance of the petitioner in this Public Interest Litigation is that a vested plot of land has been allegedly encroached upon by third parties and such third parties have made illegal constructions on such vested land and are using the same for commercial purposes for personal gain.

Pursuant to the leave granted by this Court on 26.8.2020, the petitioner has impleaded the Additional District Magistrate & District Land and Land Reforms Officer, Barasat, North 24 Parganas and the District Magistrate and Collector, North 24 Parganas as additional respondent nos. 9 and 10.

We are of the view that the nature of the petitioner's grievance is such that the same ought to be looked into at the level of the administration. The appropriate officer of the State Government who can conveniently look into the petitioner's allegations would be the added respondent no.9 i.e., the District Land and Land Reforms Officer, Barasat, North 24 Parganas.

Accordingly, we direct the added respondent no.9 to treat the pleadings in the writ petition and the materials produced therewith as a representation of the petitioner and take a reasoned decision thereon in accordance with law within a period of six months from the date of communication of this order by the petitioner to the added respondent no.9 along with a copy of the writ petition, after giving an opportunity of hearing to the State Government's representatives and all parties who may be affected by the decision of the added respondent no.9 including anybody who may be found to be in possession / occupation of the concerned plot of land.

The decision, so taken, shall be communicated to the concerned parties within a period of two weeks from the date of the decision.

Needless to say that in the event the added respondent no.9 finds substance in the allegation of the petitioner, appropriate steps will be taken at the end of the State Government to ensure that Government property is duly protected and not exploited illegally by third parties.

Since no affidavit has been called for, none of the allegations shall be deemed to have been admitted by the respondents.

The Writ Petition is, accordingly, disposed of along with the application.

(Thottathil B. Radhakrishnan, C.J.)

(Arijit Banerjee, J.)