

03.02.2021
Item no. 15
Aloke
Ct. no.38

(Through Video Conference)

W.P.A. 939 of 2020

**Biswanath Gharami & Ors.
Versus
State of West Bengal & Ors.**

Mr. Prabir Maji
... for the petitioners

Ms. Sutapa Sanyal
Mr. Gaurav Das
... for the State

Mr. Mrinal Kanti Ghosh
Mr. Chandra Nath Sarkar
... for the private respondent nos. 5 to 9

Affidavit-of-service filed in Court be kept with the record.

The petitioners say that the private respondents have encroached upon Government land and have made illegal construction, thereby blocking the petitioners' irrigation system and causing other inconveniences to them. It is submitted that representations have been made to the appropriate officers in the Government but no action has been taken by such officers.

I have heard learned counsel for the parties including learned counsel for the State.

I direct the 3rd respondent, being the Sub-Divisional Officer, Baruipore, South 24-Parganas, to consider the averments made in the writ petition as a representation

of the petitioners and dispose of the same in accordance with law within a period of eight weeks from the date of receipt of a copy of this order along with a copy of the writ petition, after giving an opportunity of hearing to the petitioners, the private respondents and other concerned persons, if any. The parties shall be at liberty to file relevant documents before the 3rd respondent at the hearing. The decision so taken by the 3rd respondent shall be communicated to the parties within a week from the date of the decision. Needless to say, if the 3rd respondent finds that the grievance of the petitioners is genuine and that the private respondents have made unauthorized constructions on Government land, appropriate measures will be promptly taken by the 3rd respondent for demolition of such unauthorized constructions.

I have not gone into the merits of the petitioners' case. The 3rd respondent shall take an informed decision in accordance with law.

With the aforesaid direction, the writ petition is disposed of.

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

(Arijit Banerjee, J.)