

09.08.2021
Court No. 19
Item no.05
CP

WPA 3541 of 2021

Amitava Sinha
Vs.
The State of West Bengal & ors.

(via video conference)

Mr. Ramkrishna Roy
.....for the petitioner.

Mr. Ziaul Islam
Mr. Abdus Salam
.....for the State.

Affidavit of service is taken on record.

None appears on behalf of the Panskura
Municipality.

The petitioner submits that despite several representations made to the Chairman, Panskura Municipality, with regard to illegal encroachment by the municipal authorities into the land of the petitioner situated at Dag No. 466 of Mouza – Suranankar, Khatian No. 461, measuring about 2.12 acre under Police Station Panskura, Purba Medinipur, the said Chairman has not responded to any of the complaints lodged by the petitioner. It is further submitted that a municipal road is being constructed in hot haste and the petitioner is suffering irreparable loss and injury on the ground of such wrongful encroachment. It is alleged that no resolution of the board of councillors was passed

with respect to the construction of the said road and the municipal authorities have also not decided to acquire the portion of the land of the petitioner over which the road is being constructed. Thus, according to the petitioner, the alleged construction of the road over the land of the petitioner is illegal, unauthorized and an enquiry is necessary.

Having heard the contentions of the petitioner, the writ petition is disposed of with a direction upon the Chairman/competent authority of the Panskura Municipality to consider the grievance of the petitioner as stated in the representations annexed to the writ petition as annexures P3 and P4 at pages 23 and 24 thereof. The seal of the municipality affixed to these representations indicate that they have been served upon the municipality. The representations shall be disposed of in accordance with law upon giving a hearing to the petitioner. A reasoned order shall be passed and communicated to the petitioner.

The entire exercise shall be completed within a period of 8 weeks from the date of communication of this order.

It is further directed that the competent authority of the Panskura Municipality, while disposing of the said representations shall seek assistance from the office of the Block Land & Land Reforms Officer concerned in order to ascertain the

correctness of the submissions of the petitioner by referring to the land records, mouza map, municipal map etc.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

This court is not inclined to decide the correctness of the allegations of the petitioner. The municipality shall act in a free and fair manner. The entire exercise shall be completed as directed above.

The petitioner is directed to serve a copy of the representations along with the server copy of this order upon the competent authority of the municipality.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)